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Title 19 SUBDIVISIONS

Note

* Prior history: Prior code §§ 19A-1 – 19A-13. Ords. 8139, 8319, 8519, 8600, 8954, 9255, 9431, 9645, 10212, 10476, 10521, 10546, 10555, 10601, 10606, 10790, 10799, 10868, 11068, 11096, 11484, 12104, 12105, 12475, 12836, 12915, 13022, 13062 and 13076.

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Title 19 SUBDIVISIONS

Chapter 19.04 GENERAL PROVISIONS

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19.04.010 Title.

A. These regulations shall officially be known, cited and referred to as the subdivision ordinance of the city of El Paso, Texas.

B. It shall be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to The Plan for

El Paso for the orderly, planned, efficient, and economical development of the city. (Ord. 13111 § 1 (part), 1997)

19.04.020 Statutory authority.

This title is adopted under the authority of the Constitution and laws of the state of Texas, particularly Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code; other applicable chapters of the El Paso Municipal Code; and any other authority provided by law, or as such statutes may be amended.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state of Texas to the city. (Ord. 13111 § 1 (part), 1997)

19.04.030 Purpose.

The provisions of this Title are adopted to protect and provide for the public health, safety, morals and general welfare of the community as provided below:

- A. To guide the future growth and development of the city in accordance with The Plan for El Paso;
- B. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population;
- C. To protect the character and the social and economic stability of all parts of the city;
- D. To encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
- E. To encourage appropriate development of environmentally sensitive areas;
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks and other public improvements and facilities;
- G. To provide the most beneficial relationship between the uses of land and the circulation of traffic throughout the city;
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land;
- I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the subdivision;
- J. To ensure that the subdivider provides for the required public improvements attributable to the development;
- K. To prevent the pollution of air and water; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the city;
- L. To provide for open spaces through the most efficient design and layout of the land;
- M. To ensure that land is subdivided to provide for uses of land for which market demand exists and which are in the public interest;
- N. To help remedy the problems associated with inappropriately subdivided lands, including substandard subdivisions;
- O. To prevent the creation of divisions of land or development of substandard public improvements in violation of this title;
- P. To minimize the long term costs to the city for repair and maintenance of subdivision improvements, whether public or private;
- Q. To minimize the cost of housing construction through the reduction of subdivision development costs. (Ord. 13111 § 1 (part), 1997)

19.04.040 Definitions.

A. Generally. For the purpose of carrying out the intent of this title, the words, phrases and terms shall have the meanings ascribed to them in this chapter.

B. Rules of Construction. When not inconsistent with the context, words used in the present tense shall include the future; words in the singular shall include the plural, and those in the plural

shall include the singular; "shall" is mandatory and "may" is permissive.

C. Terms.

"Abut" or "abutting" means to physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term "adjacent."

"Access" or "accessway" means the public or private street by which pedestrians and vehicles shall have lawful and usable ingress and egress to a property line. Provided, however, that access may be provided through a private easement in a commercial unit development as provided in this subsection. "Adjacent" means lying near or close to.

"Alley" means a public way intended for secondary access and service to the rear or side of a property, and not intended for general traffic circulation.

Application, Complete. "Complete application" means an application form completed as specified in this title, and containing all of the accompanying documents required for approval of the application.

"Arterial" means a street, designated on the official Major Thoroughfare Plan, designed to carry more traffic volume than the amount carried on a local street.

Association, Homeowner's. "Homeowner's association" means a community association that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

"Bikelane" means a portion of a street that has been designated for exclusive use by bicycles, and which is distinguished from the rest of the roadway by a painted stripe, lane markings or other similar devices.

"Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

"Bond" means a surety instrument in an amount and form satisfactory to the city plan commission and the city council or county commissioners' court, as applicable.

"Buildable area" means the portion on a lot remaining after required yards and open spaces have been provided.

"Certify" means whenever it is required that an agent or official attest to the existence of some fact or circumstance, the city by administrative rule may require that such declaration be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the declaration.

"City" means the city of El Paso, a municipal home rule corporation.

"City council" means the city council of the city of El Paso which is responsible for the maintenance of any offered dedications indicated on a plat by entry, use or improvement within the corporate limits.

"City plan commission" means the city plan commission of the city which under state law, has responsibility for subdivision approval within the corporate limits and within the extraterritorial jurisdiction (ETJ).

Commercial Unit Development. See "Development, commercial unit."

Community Facility. See "Facility, community."

"Corporate limits" means the boundaries of the city.

"County commissioners' court" means the court of the county of El Paso which is responsible for the maintenance of any offered dedications indicated on a plat by entry, use, or improvement within the extraterritorial jurisdiction.

"County road and bridge administrator" means the county official who serves as liaison between the subdivision coordinator and county authorities with regard to subdivision matters.

Covenant, Restrictive. "Restrictive covenant" means a restriction on the use of land, usually set forth or referred to in the deed. Such covenants shall run with the land and are binding upon subsequent owners of the property.

"Cul-de-sac" means a street with only one means of ingress and egress (outlet) and having a turnaround (see subdivision improvement design standard 3-13). The turnaround shall be the portion of the cul-de-sac farthest from the outlet which provides for the safe and convenient reversal of traffic movement, and may be either circular, T-shaped, or Y-shaped.

"Dedication" means the offer of an interest in property to the public for public use and benefit.

"Deed" means a legal document conveying ownership of real property.

Deed Restriction. See "Covenant, restrictive."

"Density" means the average number of housing units per unit of land generally expressed as dwelling units per acre.

Department of Planning. See "Planning department."

"Development" means the subdivision of land; and manmade change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or

enlargement of any structure; and any mining, dredging, filling, grading, paving, excavation or drilling operations.

"Development agreement" means an agreement between the city and a property owner through which the city agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the property owner in excess of those required under current ordinance.

"Development services director or designee" means the head of the building services department as designated by the city council, or an authorized representative, to furnish construction and engineering assistance for the administration of this title.

Development, Commercial Unit. "Commercial unit development" means a subdivided lot, zoned for commercial, manufacturing or industrial uses, which is further divided into more than one lot and where all additional lots are provided access to public and private street through a private easement. The access shall be a parcel of land over which a private easement for road purposes, having a minimum paved width of twenty feet, is granted to all owners of property within the commercial unit development. In each instance, the instrument creating such private easement, including the original agreement and any changes thereto resulting from the sale, lease or creation of additional lots, shall be held in perpetuity between all signatories, owners or lessees, to the agreement or their successor in interest, shall run with the land and be unseverable, and shall be duly recorded and filed with the office of the county clerk. A copy of the private easement instrument shall be provided with all building permit applications where a property is developed as a commercial unit development.

Development, Infill. "Infill development" means new development on scattered vacant parcels of land in a built-up area.

Development, Planned Unit. "Planned unit development" means a development on property meeting the criteria defined in Title 20 (Zoning) of the El Paso Municipal Code.

"Director" means the director, planning, or an authorized representative, who is the city official designated to administer the provisions of this title.

"Driveway" means any passageway designed or intended for vehicular movements between the roadway and any portion outside the street right-of-way, or for the parking of any vehicle.

"Easement" means a grant of one or more of the property rights by a property owner to another person or entity.

Easement, Private. "Private easement" means a right-of-way granted for the limited use of private land where general use and maintenance of such right-of-way is governed by an agreement which runs with the land. For purposes of a commercial unit development, a private easement is unseverable therefrom, and is recorded with the office of the county clerk. A private easement may include certain improved portions of private land which are intended for the general use, enjoyment, convenience and benefit of all signatories, owners or lessees, and their permittees, including to but not limited to, parking areas and spaces, roadways (including roads or lateral access drives), driveways, entrances to dedicated public or private streets, sidewalks, landscaped areas, and truck loading or delivery areas.

Easement, Public. "Public easement" means an easement dedicated by subdivision plat or metes and bounds to and for use by the public, and which is included within the dimensions or areas of lots or parcels.

"Engineer" means a person who has been duly licensed and registered to engage in the practice of professional engineering in the state of Texas.

Engineering, Deputy Director for. "Deputy director for engineering" means the city official engineer designated by the city council, or an authorized representative, to furnish engineering assistance for the administration of this title.

"Erosion" means the wearing away of land surface by detachment and transport of soils by water and wind.

"Extraterritorial Jurisdiction (ETJ)" means the unincorporated area within the state of Texas that is contiguous to the corporate limits and that is located within five miles of those boundaries.

Facility, Community. "Community facility" means a building, structure or land owned or operated by the city or county to provide a governmental service to the public, such as, but not limited to, fire stations, parks, police stations, libraries.

Facility, Public. "Public facility" means any public improvement providing required services for proper development, including, but not limited to, streets, bridges, public buildings, public works buildings or facilities, water systems, sanitary and storm sewerage systems, sanitary landfills, retention dams or basins and community facilities, such as parks, fire stations, libraries, schools and health clinics.

Facilities, Water. "Water facilities" means any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment or retail distribution of water for safe human use and consumption.

"Filing" means the process by which a person desiring approval of a subdivision makes application to the subdivision coordinator, which application meets all of the plat submission requirements.

"Frontage" means the line where a parcel of land, lot or site abuts an accessway.

"Grade" means the slope of any surface specified in percentage terms.

"Grading" means any disturbance of the surface of the land with earth-moving equipment.

"Improvement" means any manmade, fixed item which becomes part of or placed upon real property.

Improvement, Public. "Public improvement" means any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the city may ultimately assume the responsibility for maintenance and operation or ownership, or both.

Improvement, Temporary. "Temporary improvement" means any improvement built and maintained by a subdivider during construction of the subdivision and removed prior to the acceptance of the improvement for maintenance or the release of any bond required if it is located within the subdivision. Temporary improvements built outside of the subdivision shall be removed when they are no longer necessary as approved by the development services director or designee.

"Intersection" means the location where two or more streets cross at grade.

Land Study. See "Study, land."

"Land use" means the purpose for which land, or the structure on the land, is being utilized.

"Landlock" means to prevent access to a lot or parcel of land which has no other legal surface access to a public street.

"Lot" means a parcel of land having frontage upon an accessway and either shown on a plat of record or described by metes and bounds. Provided, however, that access may be provided through a private easement in a commercial unit development as provided in this subsection.

"Lot area" means the total area measured in a horizontal plane, within the lot lines of a lot.

Lot, Corner. "Corner lot" means a lot located at the intersection of two or more streets which intersect at an included angle greater than seventy degrees, but no more than one hundred ten degrees.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured as follows:

- a. Where the lot lines are straight, from the midpoints thereof;
- b. Where the lot line curves in, from the midpoint of the chord;
- c. Where the lot line curves out, from the midpoint of the curve between the side property lines.

"Lot line" means any line which is a legal boundary of a lot.

Lot Line, Zero. "Zero lot line" means the property line where the outside wall of a structure may be located.

Lot Width, Average. "Average lot width" means the lot area divided by the lot depth.

Lot, Double Frontage. "Double frontage lot" means any lot having frontage on two streets which are nonintersecting or which intersect at an angle of less than or equal to seventy degrees with reference to the lot, as distinguished from a corner lot.

Lot, Interior. "Interior lot" means any lot having frontage on one street only.

Lot, Panhandle. "Panhandle lot" means a lot whose frontage and access is provided by way of a narrow projection of the lot to the street.

Lot, Substandard. "Substandard lot" means a lot that has less than the minimum area or minimum dimensions required in this title or the zoning district in which the lot is located.

"Median" means a strip that separates the opposing flows of traffic on a street, with level or depressed areas within the median.

Median, Flush. "Flush median" means a median which is created by using header curbing, striping or other approved material.

Median, Raised. "Raised median" means a median which is created by using standard curbing.

"Metes and bounds" means a method of describing the boundaries of land by directions and distances from a known point of reference.

"Neighborhood" means an area of a community with characteristics that distinguish it from other areas and that may include distinct characteristics such as housing and building types, schools or boundaries defined by physical barriers.

"Off-site" means any premises not located within the area of the property to be subdivided, whether or not in common ownership with the applicant for subdivision approval.

"Open space" means an area that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas, playgrounds, fountains, river banks, swimming pools, wooded areas and water courses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel, or storage.

Open Space, Common. "Common open space" means private land in a subdivision in which the owners have an undivided interest and which is specifically developed for recreational areas or designated for the general use and enjoyment of the occupants of the development.

"Parcel" means a contiguous tract of land owned by or recorded as the property of the same person(s) or controlled by a single entity.

"Park zone" means residential areas surrounding a proposed or existing park or other recreational facility that can reasonably derive benefit from that park or other recreational facility pursuant to the El Paso Comprehensive Park and Open Space Plan. The city has divided its corporate limits into one square mile park zones which shall be used to determine where parkland fees received may be used for acquisition or development of parkland or other recreational facilities; where credit may be applied as part of an offsite dedication of parkland or other recreational facilities; or where bonus reductions for recreational improvements to parkland or other recreational facilities may be given.

"Parkway" means the area of a street that lies between the right-of-way line and the face of the curb line.

"Pedestrian way" means a specifically designated place, means or way by which pedestrians shall be provided safe, adequate and usable circulation through the interior of a property or development, and outside any portion of an accessway.

"Permit" means the written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permit, Borrow or Waste. "Borrow or waste permit" means a permit authorizing the movement of earth for use on borrow or waste areas within a development as governed in Chapter 18.44.

Permit, Clearing and Access. "Clearing and access permit" means a permit authorizing the removal of surface vegetation without disturbance of the root system as governed in Chapter 18.44.

Permit, Final Grading. "Final grading permit" means a permit authorizing the reshaping of the land to conform to approved plans for construction on the property as governed by Chapter 18.44.

Permit, Prefinal Grading. "Prefinal grading permit" means a permit authorizing the grading of a site prior to final grading as governed in Chapter 18.44 (Grading) of the El Paso Municipal Code. Plan, Comprehensive. "Comprehensive plan" means the planning documents and related materials officially adopted by the city, containing the goals, objectives and policies pertaining to urban growth, community facilities, infrastructure, circulation, housing, and other subjects related to the development of the city. The comprehensive plan of the city is also referred to as The Plan for El Paso.

Plan, Drainage Shed Control. "Drainage shed control plan" means a conceptual plan for the development of stormwater infrastructure as provided in Section 19.16.050 of this title.

Plan, Master Grading. "Master grading plan" means a conceptual plan which shows the proposed phased grading and its effect on adjacent properties.

Plan, Temporary and Permanent Erosion Control. "Temporary and permanent erosion control plan" means a plan which shows erosion control measures proposed for the period before and after improvements are completed.

Planned Unit Development. See "Development, planned unit."

Planning Department. "Planning department" means the offices of the director and the subdivision coordinator who oversee the administration of the subdivision regulations contained in this title.

Plans, Subdivision Improvement. "Subdivision improvement plans" means plans required by the city for the construction and installation of public improvements necessary to provide required services for proper development; including, but not limited to, plans for grading, drainage facilities, water and sewer, open space, parks or other recreational space, streets and illumination of streets.

"Plat" means the map describing the subdivision of land.

Plat, Final. "Final plat" means the plat that is presented to the approving authority for final approval.

Plat, Preliminary. "Preliminary plat" means the plat indicating the proposed layout of the subdivision that is presented to the approving authority for preliminary approval.

Plat, Sketch. "Sketch plat" means an informal conceptual map of a proposed subdivision of sufficient detail to be used for the purpose of discussion and classification.

Plat, Vacated. "Vacated plat" means a subdivision which is vacated through the procedures described in this title, and is made legally void.

Ponding, On-Site. "On-site ponding" means the process of containing surface water runoff within individual lots.

"Property line" means the line(s) of record bounding a lot or other parcel of property.

"Purchaser" means to include purchasers under executory contracts for conveyance of real property.

"Recording" means the act of processing a subdivision plat, which has been approved by the city as required by this title, as an official record in the deeds and records section of the office of the county clerk.

"Replat" means to resubdivide all or any part of a recorded subdivision, that is beyond the definition of an amending subdivision, and which does not require the vacation of the entire preceding plat.

Resubdivision. See "Replat."

Right-of-Way, Public. "Public right-of-way" means an easement dedicated by subdivision plat or metes and bounds to and for use by the public, and which right-of-way is separate and distinct from the lots or parcels abutting such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Roadway" means the paved area of a street between the face of the curb lines, including the driving and parking lanes, which is provided for the movement of vehicles.

"Roadway centerline" means the midline of a roadway.

Route, Accessible. "Accessible route" means a continuous unobstructed path connecting all accessible elements and spaces of a building, facility or site.

"Sanitarian" means a person registered as a professional sanitarian by the Texas Department of State Health Services.

Sensitive Areas, Environmentally. "Environmentally sensitive areas" means an area with one or more of the following characteristics: steep slopes; regulatory floodplain; fault areas; stream corridors; aquifer recharge and discharge areas; wetlands and wetland transition areas; habitats of endangered species; and areas or features that have been designated for protection due to ecological integrity, balance or character.

Sewage Disposal System, On-Site. "On-site sewage disposal system" means one or more systems of treatment devices and disposal facilities that:

- a. Produce not more than five thousand gallons of waste each day; and
- b. Are used only for disposal of sewage produced on a site on which any part of the system is located.

Sewage Facility, On-Site (OSSF). "On-site sewage facility" means on-site sewage facilities as that term is defined in rules and/or regulations adopted by TCEQ, including, but not limited to, 30 TAC Chapter 285.

"Sewerage facilities" means the devices and systems which transport domestic wastewater from any property, treat the wastewater, or dispose of the treated wastewater in accordance with the minimum state standards.

Sewerage System, Public. "Public sewerage system" means a facility owned and operated by a legal entity created under the laws of the state of Texas, with authority and responsibility to construct, operate and maintain a sewage disposal system.

"Sidewalk" means a hard service area other than the roadway, used for the movement of pedestrians.

"Stormwater" means the runoff or flow caused by rainfall that exceeds the interception by vegetation and infiltration into the soil and which accumulates on the catchment surface.

"Stormwater management" means the control and management of stormwater to minimize the detrimental effects of surface water runoff.

"Street" means the right-of-way which includes the area of the sidewalk, parkway, curbing (curbs and gutter), median and roadway as required in this title.

"Street hierarchy" means the system by which streets are classified according to their purpose and the travel demand they serve.

Street, Private. "Private street" means a privately owned accessway for which the owners

assume full responsibility for maintenance and control, and which has not been dedicated to the use of the public as a street.

Street, public. "Public street" means an accessway dedicated to the use of the public as a street and which has been accepted for maintenance and control by the city, county or state.

Street, Stub. "Stub street" means a street that has been designed to allow for the future extension of the street through subsequent subdivisions.

Street, Substandard. "Substandard street" means an existing street that does not meet the current minimum street standards of the city.

"Street centerline" means the midline of a street.

Study, Land. "Land study" means a plan submitted for the purpose of implementing an integrated development scheme for all phases of a proposed development, and to foster general consensus regarding compliance with this title. (Formerly known and referred to as concept plan.)

"Subdivider" means the owner of a tract of land, or an authorized agent of an owner, who causes it, directly or indirectly, to be divided into a subdivision.

"Subdivision" means the division of a lot, tract or parcel of land into two or more parts for the purpose of immediate or future sale, development, dedication of new public improvement, or a change in an existing public improvement; except that the following shall not be considered subdivisions within the meaning of this title nor be subject to the regulations contained herein.

a. The division of land into parts greater than five acres each, each part having access, where no public improvement is dedicated;

b. The acquisition of land by the city or county for public facilities;

c. Any division of a previously platted lot, zoned for commercial, manufacturing or industrial uses, which is developed as a commercial unit development as provided in "Development, Commercial Unit";

d. Any division of previously platted lots where rights-of-way, easements, drainage patterns or quantities are unchanged, and where no panhandle lots or lots without access are created;

e. Any division of property by will or intestacy providing that all parts of the property have access; or

f. The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area.

Subdivision, Amending. "Amending subdivision" means a change to a recorded subdivision as itemized in Section 19.08.070 of this title.

Subdivision, Major. "Major subdivision" means a subdivision not otherwise classified as a minor subdivision or amending subdivision.

Subdivision, Minor. "Minor subdivision" means a subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities as provided in these regulations.

"Subdivision coordinator" means the official designated by the director to administer the subdivision regulations, and who serves as a liaison between the subdivider, the development review committee and the city plan commission.

"Subdivision improvement design standards" means the specifications, procedures and standards approved by the city council for the purpose of regulating the design and construction of specified improvements. The subdivision improvement design standards are incorporated by reference to this title and are found in Appendix A, on file in the planning department.

Subdivision Improvement Plans. See "Plans, subdivision improvement."

"Surveyor" means a registered professional land surveyor, as licensed by the state of Texas.

"TAC" means Texas Administrative Code, as compiled by the Texas Secretary of State.

"TCEQ" means Texas Commission on Environmental Quality.

Traffic, Average Daily (ADT). "Average daily traffic" means the average number of vehicles that pass a specified point during a twenty-four hour period.

"Traffic impact study" means a report analyzing current and future traffic movements with and without a subdivision's impact, and which includes an analysis of mitigation measures.

Utility, Public. "Public utility" means a city regulated enterprise which provides to the public a utility service deemed necessary for the public health, safety and welfare; and includes all buildings, structures and facilities relating thereto.

Utility, Retail Public. "Retail public utility" means any entity meeting the definition of a retail public utility as defined in Texas Water Code 13.002.

"Wastewater" means water which has been used for domestic, commercial or industrial purposes and has acquired contaminants which must be removed by wastewater treatment processes prior to the environment or reuse as treated wastewater.

Water, Drinking. "Drinking water" means all water distributed by any agency or individual, public

or private, for the purpose of human consumption, use in the preparation of foods or beverages, to clean any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

Water System, Nonpublic. "Nonpublic water system" means any water system supplying potable water which is not a public water system.

Water System, Public. "Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least fifteen service connections or serve at least twenty-five individuals at least sixty days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than fifteen connections or less than twenty-five individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are fifteen or greater or if the total number of individuals served by the combined systems total twenty-five or more at least sixty days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. (Ord. 16816 §§ 1, 2 (part), 3 (part), 5, 6, 2008; Ord. 16802 § 2 (part), 2007; Ord. 16685 § 1 (part), 2007; Ord. 14696 § 1, 2000; Ord. 13956 §§ 90, 91, 1999; Ord. 13907 § 1, 1998; Ord. 13648 § 2, 1998; Ord. 13111 § 1 (part), 1997)

19.04.050 City plan commission.

The city plan commission of the city, pursuant to Chapter 2.08 of the El Paso Municipal Code, is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision and resubdivision of land as provided in this title. Provided, however, that administrative review by the subdivision coordinator shall be permitted under certain circumstances pursuant to Chapter 19.08 of this title. (Ord. 13907 § 2, 1998; Ord. 13111 § 1 (part), 1997)

19.04.060 Jurisdiction.

The provisions of this title shall apply to all subdivisions and resubdivisions of land, as defined in Section 19.04.040, located within the corporate limits and within the extraterritorial jurisdiction (ETJ). (Ord. 13111 § 1 (part), 1997)

19.04.070 Enactment.

In order that land may be subdivided in accordance with the provisions of this title, these subdivision regulations are hereby adopted and made effective as of March 11, 1997 through Ordinance No. 13111.

All subdivision applications filed for preliminary plat approval on or after the effective date of this title shall be subject to these regulations. A subdivision application filed or which has received preliminary approval prior to the effective date of this title, shall be subject to the subdivision regulations in effect at the time of filing the application for preliminary plat approval. (Ord. 13111 § 1 (part), 1997)

19.04.080 Interpretation and validity.

A. General. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes within Section 19.04.030.

1. Public Provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this

title. Where any provision of this title imposes restrictions different from those imposed by any other provision of this title or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of this title are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this title shall govern. Where possible, private provisions not inconsistent with the requirements of this title shall be operative and supplemental to these regulations.

B. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other property owners or circumstances.

C. Adoption and Repeal. Upon the adoption of these regulations, the subdivision ordinance of El Paso, Texas adopted on March 15, 1983 through Ordinance No. 7714, as amended, is repealed. (Ord. 13111 § 1 (part), 1997)

19.04.090 Amendments.

It shall be the duty of the city plan commission to determine the need for periodic updates and amendments to these regulations for the purpose of protecting the public health, safety and general welfare.

Public proposals for amendments to this title may be made by the city plan commission, the city council, or any other public agency, department, committee or official. Requests from private individuals for amendments to these regulations shall be made in writing directly to the city plan commission. All proposed amendments shall be considered for recommendation by the city plan commission, and shall then be approved, disapproved or modified by the city council at a public meeting following public notice. (Ord. 13111 § 1 (part), 1997)

19.04.100 Subdivision improvement design standards.

The subdivision improvement design standards, as found in Appendix A, on file in the planning department, shall be adopted simultaneously and considered to be a part of these regulations. All required subdivision improvements shall be constructed and installed in accordance with the minimum standards found in the subdivision improvement design standards and any design standards identified in that appendix as on file with the city engineer or planning director. A subdivision, or any portion thereof, which is within a floodplain as identified in the flood insurance rate maps shall meet any Federal Emergency Management Agency (FEMA) requirements for stormwater drainage facilities. To the extent that there is any conflict between any of the minimum standards provided in the subdivision improvement design standards and the FEMA requirements, the FEMA requirements shall control with respect to floodplain areas. Amendments proposed to the subdivision improvement design standards shall be subject to the amendment procedures of Section 19.04.090. (Ord. 16042 § 3, 2005)

19.04.110 Permit issuance.

A. Grading Permits. Any grading within the corporate limits or within the extraterritorial jurisdiction shall conform to the applicable portions of Chapter 18.44 (Grading). Properties not required to file a subdivision application pursuant to this title shall only be subject to the requirements of Chapter 18.44. Grading permits may be issued on property requiring a subdivision as provided in this title, as follows:

1. Clearing and Access Permit. No clearing and access permit may be issued by the development services director or designee, whether or not the requirements of Chapter 18.44 have been satisfied, until preliminary approval on a subdivision application has been granted by the city plan commission or administratively by the subdivision coordinator as applicable.
2. Prefinal Grading Permit. No prefinal grading permit may be issued by the development

services director or designee, whether or not the requirements of Chapter 18.44 have been satisfied, until preliminary approval on a subdivision application has been granted by the city plan commission or administratively by the subdivision coordinator as applicable.

3. Final Grading Permit. No final grading permit may be issued by the development services director or designee, whether or not the requirements of Chapter 18.44 have been satisfied, until final approval on a subdivision application has been granted by the city plan commission or administratively by the subdivision coordinator as applicable.

4. Borrow or Waste Permit. A borrow or waste permit shall be issued by the development services director or designee pursuant to the requirements of Chapter 18.44.

B. Building Permits. Whenever a subdivision is required by this title, no building permit shall be issued for any lot until the subdivision has been recorded and the requirements of Title 18 (Building and Construction) have been satisfied.

C. Occupancy Permits. Whenever a subdivision is required by this title, no occupancy permit shall be issued for any lot, or portion thereof, within the subdivision until such time that the required subdivision improvements serving that lot have been completely installed and inspected and approved by the city as required in Section 19.32.010 of this title. For purposes of this subsection, required subdivision improvements serving a lot shall mean the improvements to the street abutting the lot and extending to the nearest intersecting street outside the subdivision. (Ord. 16685 § 1 (part), 2007; Ord. 13956 §§ 92--95, 1999; Ord. 13907 § 3, 1998; Ord. 13111 § 1 (part), 1997)

19.04.120 Advisory agencies designated.

A. Development Review Committee. The development review committee, technical review committee established by and responsible to the city manager, comprised of representatives of city departments, as designated by the city manager, and is responsible for the review and recommendations on all land development projects, public and private, except zoning.

B. El Paso Mountain Committee. The El Paso mountain committee is designated as an advisory committee to the city plan commission on matters related to the subdivision or resubdivision of land within the mountain development area. The committee shall review and make recommendations on applications for subdivision or resubdivision, vacation of public easements or rights-of-way, dedication of public easements or rights-of-way by metes and bounds, and land study disapproval's appealed to the city plan commission. In addition, the committee shall review and make recommendations on amendments to these regulations which pertain to or impact mountain development, and any other such subdivision matter which shall be forwarded by the city plan commission or the city council. (Ord. 16802 § 2 (part), 2007; Ord. 13111 § 1 (part), 1997)

19.04.130 Approval procedure.

A. City Plan Commission Action Required. Where city plan commission action is required on a subdivision application as provided in this title, the action shall be taken within thirty days after the date the subdivision application is filed as provided in Section 19.08.030. A subdivision is considered approved by the city plan commission unless it is disapproved, approved, or approved with conditions within that time period. If the city plan commission fails to act on a plat within the prescribed period, the subdivision shall be deemed approved as submitted. Provided, however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty-day time period for action by the city plan commission. Such request shall be submitted in writing by the subdivider prior to the date of the scheduled city plan commission hearing. The subdivider shall be present at the commission hearing when the application is heard.

B. Administrative Review by Subdivision Coordinator. Where the subdivision coordinator is authorized to administratively approve a subdivision, the action shall be taken within thirty days after the date the subdivision application is filed. All other provisions of Chapter 19.08 of this title shall apply for administrative approval of a subdivision.

C. Record Maintenance. The subdivision coordinator shall maintain a record of each application submitted under this title, and the action taken on the application. On written request by a property owner of an affected tract, the subdivision coordinator shall certify the reasons for the

action taken on an application. (Ord. 13111 § 1 (part), 1997)

19.04.140 Fees.

The fees to be charged for application processing, review, filing or any other fees as required by provisions of this title, shall be as established by the city council. (Ord. 13111 § 1 (part), 1997)

19.04.150 Certification regarding compliance with plat requirements.

A. Issuance. Upon the final approval of a subdivision by the city plan commission, or the approval of a minor plat by the subdivision coordinator, and after the recording of the subdivision with the county clerk, the subdivision coordinator shall endorse the approved final subdivision with a certificate of compliance stating that the subdivision has been reviewed and approved by the city. In cases where the city plan commission fails to act on a final subdivision application within the thirty-day time period as provided in Section 19.04.130 of this title, the subdivision coordinator upon a written request by the subdivider, and after the recording of the subdivision with the county clerk, shall issue a certificate of compliance stating the date the subdivision was filed and that the city plan commission failed to act on the final subdivision application within the specified time period.

Pursuant to this section, the certificate of compliance shall be issued by the subdivision coordinator within ten working days of the recording of the subdivision with the county clerk. The certificate of compliance shall be in the form identified within Appendix B, on file in the planning department.

B. Platting Determination Application. On the application of an owner of land, an entity that provides utility service, or the governing body, the subdivision coordinator shall make the following determinations regarding the owner's land or the land in which the entity or governing body is interested that is located within the corporate limits or extraterritorial jurisdiction: whether a subdivision is required under this title for the land; and if a plat is required, whether it has been prepared and whether it has been reviewed and approved by the city plan commission or subdivision coordinator, as applicable.

A platting determination application shall be on a form as identified in Appendix C, on file in the planning department, and shall identify the land that is the subject of the request. All applications for a platting determination shall be made in person in the office of the subdivision coordinator. If the subdivision coordinator determines that a subdivision is not required, a written certification of that determination shall be issued to the requesting party. If the subdivision coordinator determines that a subdivision is required and that the subdivision has been prepared and has been reviewed and approved by the city plan commission, or subdivision coordinator where administrative approval is authorized, the subdivision coordinator shall issue to the requesting party a written certification of that determination. Where the subdivision coordinator determines that a subdivision is required and that a subdivision has not been prepared, reviewed and approved, a written certification of that determination shall be made.

The subdivision coordinator shall make a determination within twenty working days after the date the application is received and shall issue the platting determination certificate, whether approval or disapproval, within ten working days after the date the determination is made. A platting determination certificate shall be in the form identified in Appendix D, E or F, on file in the planning department.

C. Fee. A platting determination application shall be accompanied with the appropriate processing fee as established by the city council. No fee shall be assessed on a certificate of compliance issued by the subdivision coordinator to a subdivider as part of the recording of a subdivision as provided in subsection A of this section, or for requests received for copies of a certificate of compliance which has been issued on a property. (Ord. 13111 § 1 (part), 1997)

19.04.160 Connection of utilities.

A. General. A property may not be served or connected with water, sewer, electricity, gas or other utility service unless the owner of the property has been issued or otherwise holds a certificate of compliance applicable to the land to be served or connected as provided in Section 19.04.150. For purposes of this section, utility service and connection shall not include the laying

of utility facilities, or the installation and use of meters or hook-ups required for construction of any required subdivision improvements or buildings. Provided, however, that a property may be served or connected with water, sewer, electricity, gas or other utility service regardless of whether an entity is presented with or holds a certificate of compliance when:

1. The property, or any portion thereof, was first served or connected by a public utility that provides water, sewer, electricity, gas or other utility service before September 1, 1987; or
 2. The property, or any portion thereof, was first served or connected by either a utility service corporation organized and operating under Article 1434a, Vernon's Texas Civil Statutes or a special district or authority created by or under state law that provides utility service, with water, sewer, electricity, gas or other utility service before September 1, 1989; or
 3. The subdivision coordinator issues a certificate stating that:
 - a. The land, before September 1, 1995, was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract; and
 - b. The land is located in a subdivision in which utility service has been previously provided; and
 - c. The land is located within the extraterritorial jurisdiction; and
 - d. Construction of a residence on any portion of the property, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 1997; and
 - e. The person requesting utility service provides either:
 - i. A copy of the means of conveyance or other documents that show that the land was sold or conveyed to the person requesting utility service before September 1, 1995, and a notarized affidavit by that person that states that construction of a residence on the property, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 1997; or
 - ii. A notarized affidavit by the person requesting utility service that states that the property was sold or conveyed to that person before September 1, 1995, and that construction of a residence on the property, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 1997; and
 - f. The utility service provider provides utility service to property described by subsection (A)(3) of this section only if the person requesting service:
 - i. Is not the land's subdivider or the subdivider's agent, and
 - ii. Provides to the utility service provider a certificate from the subdivision coordinator as described by subsection (A)(3) of this section.
- B. Applicability. This section shall apply to land that is first served or connected with water or sewer service, or both, on or after July 11, 1995 (passage of Ordinance No. 012475). (Ord. 13907 § 4, 1998: Ord. 13111 § 1 (part), 1997)

19.04.170 Modifications of conditions.

A. General. Where the city plan commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to any of the technical subdivision standard regulations set forth in Title 19, including the Appendix, but not including any aspect of the regulations regarding the application process or enforcement process, or as may be regulated by other entities, so that substantial justice may be done and the public interest secured. Such a finding by the city plan commission shall not have the effect of nullifying the intent and purpose of these regulations; the granting of the modification of conditions will not be detrimental to the public safety, health or welfare or injurious to other property; the relief sought will not in any manner vary the provisions of any other city ordinance or regulation, the plan for El Paso, or the official zoning map of the city, except that those documents may be amended in the manner prescribed by law; and further provided, that the city plan commission shall not approve a modification unless it shall make findings based upon the evidence presented in each specific case that:

1. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
2. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or
3. The subdivider has demonstrated an alternative method of development that will improve the aesthetic value of the subdivision while giving equal emphasis to safety, economy, tax yield, maintenance cost, response time, drainage, dedication and improvement of parkland and open space amenities, and vehicular access and pedestrian passage.

B. Conditions. In approving a modification, the city plan commission may require such conditions as will, in its judgment, secure substantially the purposes described in subsection A of this section.

C. Procedure. A request for a modification pursuant to this section shall be submitted in writing by the subdivider at any time prior to the recording of the plat. The request shall state fully the grounds for the modification request and all of the facts relied upon by the subdivider. No modification may be considered or granted by the city plan commission once the subdivision plat has been recorded. (Ord. 16365 §§ 1, 2, 2006; Ord. 13111 § 1 (part), 1997)

19.04.180 Exceptions of regulations.

A. General. The city plan commission may deem the subdivision regulations contained within this title inapplicable and an exception granted under one or more of the following circumstances:

1. When the commission determines, following a recommendation by the director of the department of environmental services, that a threat to public health and safety may result from an existing water supply system or on-site sewage system on property which has been privately developed without a subdivision as required by this title; and where the strict application of these regulations cannot be observed due to the existing conditions of the property. For purposes of this subsection, property which has been privately developed shall include any portion of a tract or parcel of land on which a structure has been permanently located on the ground, or has been attached to something having a permanent location on the ground, and which has been continuously occupied for any use; or

2. When the commission determines that a dedication by metes and bounds for public rights-of-way or easements provides as well for the safe, orderly and healthful development of the community as if dedicated by a subdivision.

B. Conditions. In approving an exception, the city plan commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 19.04.170(A) of this title.

C. Procedure.

1. A written request for exception of the subdivision regulations pursuant to subsection (A)(1) of this section shall be submitted by the subdivider to the subdivision coordinator and shall include all of the following:

a. A transmittal letter outlining the request and specific information, special circumstances or conditions which apply to the request addressed to the executive secretary of the city plan commission;

b. A proof of ownership document that demonstrates that the applicant is the legal owner of the property. This may include a warranty deed or certificate of title;

c. A current city tax certificate for the property to assure that no delinquent taxes are owed;

d. A sealed metes and bounds description of the property;

e. A plan of the property, drawn to scale, showing all pertinent information applying to the request;

f. Other information as requested by the city which may be necessary for review of the request for exception.

2. A request for exception of the subdivision regulations pursuant to subsection (A)(2) of this section shall be submitted by the subdivider to the subdivision coordinator as provided in Chapter 19.48 of this title. (Ord. 16816 § 4 (part), 2008; Ord. 13111 § 1 (part), 1997)

19.04.190 Enforcement, violations and penalties.

A. General.

1. The city manager shall designate a chief enforcement officer or department which shall have the primary responsibility to enforce these requirements and to bring to the attention of the city attorney, and any other appropriate authority, any violations or lack of compliance with these regulations. Any department, agency, employee or enforcement officer of the city having information regarding an alleged violation to this title, shall report that information to the chief enforcement officer or department designated by the city manager to assist in the enforcement of these requirements.

2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a subdivision is duly recorded with the county clerk

as provided within Section 19.08.100 of this title.

3. The subdivision of any lot or any parcel of land by the use of metes and bounds description, contract of sale, or any other legal instrument, for the purpose of sale, transfer, lease or development is prohibited except as otherwise provided in this title.

4. No building permits, certificates of occupancy, or other permits of any kind shall be issued by the city for the construction or development of any parcel of land subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to extend water or sewer service to any parcel created in violation of these regulations.

B. Violations and Penalties. Any person, firm or corporation who violates any of these regulations shall be subject to the penalties provided below:

1. Within the Corporate Limits. Any person, firm or corporation violating this title shall be deemed guilty of a misdemeanor and punished by a fine not to exceed two thousand dollars. The chief enforcement officer or department designated shall report violations to the mayor to determine what action is deemed proper, and the city attorney shall, when so directed, file suit in district court to enjoin the violation of any provision of this title.

2. Within Extraterritorial Jurisdiction. Any violation of this title as it applies to land outside the corporate limits, but within the extraterritorial jurisdiction, shall not constitute a misdemeanor nor shall any fine provided for in this title be applicable. The chief enforcement officer or department designated shall report violations to the mayor and county judge to determine what action is deemed proper, and the city or county attorney shall, when so directed, file suit in district court to enjoin the violation of any provision of this title.

C. Civil Enforcement. Appropriate actions and proceedings may be taken by the city in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in this section. (Ord. 16139 § 1, 2005; Ord. 13111 § 1 (part), 1997)

19.04.200 Uniformity of requirements.

The approval, disapproval or conditional approval of a subdivision application shall be considered by the city plan commission (or the subdivision coordinator, as the case may be) on the basis of any orders, regulations, ordinances, rules, expiration dates or other duly adopted requirements in effect at the time the original subdivision application is filed. Once a subdivision application has been filed, the city plan commission shall not shorten the duration of any permit required for the project. Notwithstanding the foregoing, an applicant shall have the right, by filing a new application, to take advantage of any procedural changes to the laws, rules, regulations, or ordinances of the city or of the city plan commission which enhance or protect the project including, without limitation, changes which lengthen the effective life of the subdivision after the date on which the subdivision application was filed, without otherwise forfeiting any rights under this section. (Ord. 13907 § 5, 1998)

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Chapter 19.08 PLATTING PROCEDURES

19.08.100 Recording plat submission.

The subdivision coordinator shall, upon receipt of a subdivision application accepted for review of application completeness, determine whether or not the subdivision application meets all of the content requirements for a plat submittal required in this title. A subdivision application not meeting all of the plat content requirements of this title shall be returned to the subdivider within five working days following the date of acceptance for review of application completeness, indicating the information which is lacking on the plat. For purposes of this section, the date of acceptance of the subdivision application for review of application completeness shall not be counted as the first day of the five working day review period. If a subdivision application accepted for review of application completeness is not returned to the subdivider within the five working day review period, the subdivision application shall be deemed filed and the time period specified within Section 19.04.130 shall commence on the sixth working day following the date the subdivision application was accepted for review of application completeness. (Ord. 13111 § 1

(part), 1997)

19.08.030 Application procedure and requirements.

The property owner shall submit an application for approval of a subdivision with the subdivision coordinator. The subdivision application shall include:

- A. Completed forms available at the office of the subdivision coordinator signed by the property owner (see Appendices, on file in the planning department);
- B. A minimum of twenty-five copies of the proposed plat, prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch, except where the development services director or designee approves a modified scale, on one or more twenty-four inch by thirty-six inch sheets having a minimum one-half inch border on all sides except for a one and one-half inch border on the binding side, complying with these regulations.
- C. Certification from a title company qualified to do business in the state, showing the name(s) of the owner(s) of the property to be subdivided;
- D. A processing fee as established by city council;
- E. A written request and detailed justification for any modification(s) being requested under this title; and
- F. Five copies of a drainage report in narrative form when any property within the subdivision application is identified as a floodplain in the Flood Insurance Rate Maps, to be submitted with the preliminary plat on a minor and major subdivision, and which shall include all of the following: watershed areas, size and capacity of existing storm drainage structures, proposed stormwater flow rates, existing soil and slope conditions, and stormwater concentration points.
- G. One copy of the proposed plat on an eight and one-half inch by eleven inch sheet. (Ord. 16685 § 1 (part), 2007; Ord. 13956 § 96, 1999; Ord. 13907 § 7, 1998; Ord. 13111 § 1 (part), 1997)

19.08.040 Land study required.

A. When Required. Prior to submission of any subdivision application, the subdivider shall file an application for approval of a land study with the subdivision coordinator. For purposes of this section, a land study shall be required in all instances unless the subdivision coordinator finds that:

- 1. An approved detailed site development plan or generalized site plan incorporating the proposed development area provides sufficient information for the purposes outlined and the preparation of a plat; or
- 2. A preliminary plat is submitted for the entire proposed development area.

A finding made under this subsection shall be based on a determination by the subdivision coordinator that the alternate plan or plat satisfies the purpose and intent of a land study submittal, and that the alternate plan or plat fully contains the information required for filing of a land study application. Where changes are made to an approved detailed site development plan, generalized site plan or preliminary plat that is used as a basis for a finding made by the subdivision coordinator, the subdivider shall be required to submit a revised drawing of such approved plan or plat to the subdivision coordinator for proper recordkeeping. Failure to provide a revised drawing shall require that any subsequent subdivision application fully conform to the approved detailed site development plan, generalized site plan or preliminary plat on file.

A referral by the subdivision coordinator or subdivider may be made to the city plan commission to determine the applicability of a land study submittal, or to appeal a negative finding pursuant to this subsection. The city plan commission shall review all reports and recommendations presented by the subdivision coordinator and shall make a determination as needed on the applicability provisions, or the appeal as necessary. An action taken by the city plan commission shall be binding on all parties.

B. Purpose and Intent. The purpose of the land study shall be: to elicit comment from the subdivider and the city technical staff regarding the proposed design of the land for the purpose of expediting subdivision application(s) and reducing subdivision design and development costs when a subdivider proposes to phase the development or to develop various land uses; to review and approve a general plan for the development of property including the layout of arterial streets, open areas, sites for public facilities, and utilities; and to determine the availability of existing services to the area, including street improvements, drainage, sewerage, fire protection,

schools, parks and other such facilities within one mile abutting the proposed study area. A land study application shall include all contiguous holdings of the subdivider, including land in common ownership, which is proposed to be developed or subdivided within the meaning of this title.

C. General Requirements. The subdivider shall submit at least fifteen copies of the land study application, prepared by an engineer at a scale of one inch equals two hundred feet, except where the subdivision coordinator approves a modified scale, on one or more twenty-four inch by thirty-six inch sheets which provides all of the following information:

1. General arrangement of existing and proposed land uses, including but not limited to park and school sites, other public facilities, open space areas, floodplains and drainage ways;
2. The proposed density expressed in units per acre and population by land use;
3. Proposed phasing of platting;
4. The proposed traffic circulation, layout, and width of all residential subcollector streets and arterial street classifications;
5. Traffic impact study to determine the need, if any, for additional traffic lanes (acceleration, deceleration, or turning), signalization and other street improvements. The traffic impact study shall be prepared in accordance with standards provided by the traffic division of the engineering department;
6. Conceptual drainage plan indicating existing and proposed stormwater sewer facilities;
7. Layout and relationship of the proposed subdivision(s) to surrounding development, including the location, width, and names of all existing and platted streets, subdivisions, public ways, drainage channels, and other relevant features;
8. Existing and proposed zoning of the property and adjoining land;
9. Dimensions of the land study boundaries;
10. Existing contours of the tract in intervals appropriate to the topography as determined by the development services director or designee, based on National Geodetic Vertical Datum (year to be specified on land study);
11. Existing water and sanitary sewer facilities.

The subdivision shall be accompanied by a processing fee established by city council.

D. General Procedure. Whenever a land study is required to be submitted by these regulations, city plan commission action shall be required within thirty days after submission of a completed land study application. The development review committee shall submit its recommendation for approval, approval with modifications or disapproval of the land study application.

E. Distribution and Review. The staff shall review the land study for compliance with the standards for land studies in the city of El Paso subdivision regulations and submit written comments and recommendations on the land study application to the city plan commission and to the applicant prior to the city plan commission meeting.

F. City Plan Commission Action. The report of the written comments and recommendations of the staff shall be submitted to the city plan commission. The city plan commission shall review all reports and recommendations presented by consider them when approving, approving with modifications or disapproving the land study application. If the city plan commission fails to act on the land study application within the prescribed period as required in subsection D of this section, the land study application shall be deemed approved as submitted. Provided, however, that the subdivider may request a deferral of action of the land study application, thereby waiving the thirty-day time period for action by the city plan commission.

G. Notification of Approval. Notice of the approval, approval with modifications, or disapproval of a land study application by the city plan commission shall be reported in writing to the subdivider, his engineer and surveyor within five working days of the meeting. If approval with modifications is given, the subdivider shall submit eleven revised copies of the land study which incorporates and fully satisfies the modifications requested within five working days of the approval. One copy of the approved land study shall be returned to the subdivider with the date of approval by the city plan commission, and one dated copy shall be maintained as an official record by the subdivision coordinator. Approval of a land study, and submittal of revised copies where modifications are requested, shall constitute authorization by the city for the subdivider to submit an application for a major subdivision subject to compliance with any conditions attached to the approval of the land study.

Where the city plan commission disapproves a land study application, the subdivider may submit a new application for land study in the manner prescribed in these regulations.

H. Validity. The approval of a land study shall automatically expire unless preliminary plat approval has been granted by the city plan commission for any phase of the development proposed within the approved land study within five years of the date of approval of such land study. The city plan commission may, upon a recommendation of the development review

committee, grant two extensions to the approval period of a land study upon a written petition by the subdivider submitted within sixty days prior to the lapse of the approval. The request shall include a detailed explanation as to the reasons to extend the approval. Such petition shall be considered at a public meeting of the city plan commission. In determining whether to grant such request, the city plan commission shall take into account the reasons for lapse and the ability of the subdivider to comply with any conditions attached to the original approval. The city plan commission shall extend the approval of the land study, or deny the request, in which instance the subdivider must submit a new application for land study. An extension granted by the city plan commission for a land study approval shall be for a period of twenty-four months. The city plan commission may extend the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval.

I. Amendments to Land Study. At any time after approval of a land study and before submission of a final plat for any portion of the area contained within the approved land study, the subdivider may request that an amendment be made in the approval or approval with modifications of the land study. Eleven copies of the amended land study shall be submitted by the subdivider to the subdivision coordinator to establish an official record. The subdivision coordinator may deem an amendment to be minor and may authorize the amendment administratively. An amendment shall be considered minor if the subdivision coordinator determines that it does not significantly alter the arrangement of land use, increase density, relocate major circulation elements, decrease open space areas, or alter the concept of the development. An amendment not deemed minor by the subdivision coordinator shall be reviewed and either approved or disapproved by the city plan commission, following a recommendation of the staff pursuant. If a request for amendment to an approved land study occurs after submission of a final plat, the subdivider shall be required to file a new land study application for the entire area contained within the formerly approved land study.

J. Withdrawal of an Approved Land Study. An approved land study may be withdrawn by the subdivider at any time prior to the approval of a final plat by the city plan commission for any portion of property within the original approved land study. A request for withdrawal shall be made officially in writing to the subdivision coordinator. No refund of the processing fee shall be given where a land study is withdrawn. (Ord. 16802 § 2 (part), 2007; Ord. 16685 § 1 (part), 2007; Ord. 14789 § 1, 2001; Ord. 13956 § 97, 1999; Ord. 13111 § 1 (part), 1997)

19.08.050 Minor subdivision.

A. Minor Subdivision Defined. A minor subdivision shall be defined as a plat of a tract of land which meets all of the following conditions:

1. Involves four or fewer lots;
2. Each lot of the subdivision has frontage on an existing public or private street, and shall not necessitate the creation of any new street, or the extension of any existing street;
3. The subdivision is served by existing municipal facilities of adequate capacity, and shall not necessitate the extension of any municipal utilities, except for the installation of service lines to the individual lot(s) from existing mains of adequate capacity. For purposes of this section, construction of service lines and meter taps into existing qualifying water and sewer mains which are in place within the street frontage shall not be considered an extension of a municipal facility;
4. The lots created fully conform to the zoning regulations of the El Paso Municipal Code, and its approval would not require the granting of a zoning variance; and
5. The subdivision created would not require a modification by the city plan commission pursuant to Section 19.04.170.

B. Purpose and Intent. The purpose of the minor subdivision process is to allow for a more timely approval process. The classification of a subdivision as a minor subdivision shall not be construed as a waiver of any other requirement of this title, or any other applicable ordinance or statute governing the platting of property.

C. General Procedure. Whenever a tract of land is to be subdivided as a minor subdivision, the subdivision application may be exempt from the procedural provisions of Section 19.04.130(A), and may be approved administratively. The provisions of this section shall not apply to a subdivision application submittal as a residential replat pursuant to Chapter 19.40 of these regulations. A minor subdivision application may be approved administratively by the subdivision coordinator, without city plan commission action, except where the subdivision coordinator refuses to approve the minor subdivision application. The subdivision coordinator shall not

disapprove the plat and shall be required to refer the minor subdivision application to the city plan commission within the time period specified in Section 19.04.130. If the subdivision coordinator or the city plan commission fail to act upon the application within the required time period, the minor subdivision application shall be deemed approved as submitted.

D. Minor Subdivision Contents. The subdivider shall submit a combination plat of the minor subdivision application which provides all of the following:

1. Supporting Documents. Written verification from the El Paso water utilities that existing municipal facilities are of adequate capacity to serve the subdivision, and that no extension of municipal utilities is required.

2. Combination Plat Submittal. The subdivider shall submit concurrently a preliminary plat and final plat which shall provide all of the following information:

a. Preliminary plat which provides all of the following information:

- i. Subdivision name, in bold-face type no smaller than one-half inch in height,
- ii. Date of preparation, plat scale, and approximate true north point,
- iii. Names, addresses and telephone numbers of the recorded owner(s) and the surveyor who prepared the plat,
- iv. Dimensions and identification of adjacent or abutting parcel boundaries, easements, canals, drains and subdivisions, including at least one row of adjacent lots and tracts,
- v. Contour lines of the proposed subdivision, and two hundred feet outside and abutting the subdivision unless the area is modified by the development services director or designee, having the following intervals.

(A) One-foot contour intervals for ground slopes between level and three percent,

(B) Two-foot contour intervals for ground slopes more than three percent and up to and inclusive of eleven percent,

(C) Five-foot contour intervals for ground slopes over eleven percent,

vi. Name, right-of-way width, and type of existing street improvements within abutting right-of-way, including medians and median openings,

vii. Location, type, material and size of existing culverts, drain pipes, watercourses, natural drainage channels, and site of their relocation, if proposed,

viii. Approximate location of areas subject to inundation or stormwater overflow, and the location, widths and direction of flow of all watercourses and location and type, of any proposed stormwater drainage facilities,

ix. Location and outline, to scale, of each building or other structure existing within the proposed subdivision, noting whether such building or structure is to be removed or remain in the development, and other physical features which would influence the layout or design,

x. Approximate lot layout,

xi. Existing street alignment including right-of-way widths and paving widths, and approximate radii of all curves,

xii. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions,

xiii. Location and width of all recorded and visible easements and rights-of-way to which the subdivision is subject,

xiv. Sources and availability of water supply when water service cannot be obtained from the El Paso water utilities,

xv. Proposed method of sewage disposal when sewer services cannot be obtained from the El Paso water utilities,

xvi. Identification of applicable school district(s) within proposed subdivision,

xvii. Location and dimensions of any proposed supplemental transportation systems, such as walkways, sidewalks, bike trails, and other related improvements;

b. Final plat which provides all of the following information:

i. Subdivision name, in bold-face type no smaller than one-half inch in height,

ii. Date of preparation, plat scale (both graphic and numeric), and north direction and basis of north direction,

iii. The lettering shall be placed on the plat so as to be read from the bottom or from the right-hand side of the sheet and direction of north shall be directed away from the reader,

iv. Legal description stating approximate acreage,

v. Length, bearings and curve data for the plat boundaries,

vi. Name and width of abutting rights-of-way,

vii. Lot layout and lot dimensions,

viii. Lot and block numbers,

ix. Locations, names, total width and width on each side of the centerline of all streets, alleys and

other rights-of-way within the subdivision,

x. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions, including at least one row of adjacent lots and tracts,

xi. Width and location of proposed easements for drainage, public utilities and other purposes,

xii. Sites for public parks, schools, or other public facilities,

xiii. A location map at a scale of one inch equals six hundred feet which provides identification of the proposed subdivision in relation to features such as local streets, arterial streets, schools and other features. The location map shall include all streets and blocks in the proposed subdivision,

xiv. Street names and lot address numbers,

xv. Identification of any release or other limitations of rights of access to and from streets and lots,

xvi. Identification of any corporate limits, state line, or reservation boundary crossing or adjoining the proposed subdivision,

xvii. Survey data, including:

(A) The subdivision shall be tied by bearing and distance to either a section corner, a survey line, a grant line, or other known and accepted survey points. This tie shall be delineated on the plat,

(B) Any section line, survey line or grant line crossing or adjoining the subdivision shall be clearly designated and located on the plat,

(C) The subdivision plat shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines, provided however, the chord bearing, tangent and radius shall not be required on lot lines,

(D) All recognized survey monuments and other evidence of the subdivision boundary, location found, set, reset or replaced, describing their type and location,

(E) All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification,

(F) The centerlines of all streets in and adjoining the subdivision, indicating all permanent survey monuments found,

(G) All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second,

(H) A print-out of the mathematical closure of the exterior boundary of the subdivision, and of each block within the subdivision, which indicates the error of closure of the respective parcel,

(I) The subdivision shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the subdivision is within three thousand feet of such horizontal control monument as determined by the development services director or designee,

(J) A subdivision tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the reference angle to a published azimuth marker, shall be shown on the plat. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey,

xviii. All lots and parcels shall have all dimensions, boundaries and courses clearly shown and defined. This includes lots and parcels intended for sale, reserved for private purposes or offered for dedication for any purpose,

xix. Certification by the surveyor that the plat represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards,

xx. Location and dimensions of any proposed supplemental transportation systems, such as walkways, sidewalks, bike trails and other related improvements,

xxi. Location, dimension and area of all parcels of land proposed to be set aside for park or playground use, or other public facilities, or for the common use of property owners in the subdivision,

xxii. Dedication, acknowledgment and certification statements as required in Appendices M and N, on file in the planning department,

xxiii. When approved by the United States Postal Service, a note on the face of the plat indicating that postal delivery service within the subdivision will be provided using neighborhood delivery and collection box units.

E. Distribution and Review. Written comments and recommendations on the minor subdivision application shall be submitted by the staff to the subdivision coordinator within one week following the date of distribution. The subdivision coordinator shall compile a report of the written

comments received and supply a copy of this report to the subdivider, engineer and surveyor, and shall constitute the approval with modifications of the minor subdivision application by the subdivision coordinator. Any changes necessitated by the report of the subdivision coordinator to the minor subdivision application shall be made. Submission of a recording plat as provided in Section 19.08.100 shall incorporate and fully satisfy all modifications requested to the minor subdivision application by the subdivision coordinator.

F. City Plan Commission Action. Where a minor subdivision application is referred by the subdivision coordinator to the city plan commission for approval, the report of the written comments and recommendations of the staff shall be submitted to the city plan commission. The city plan commission shall review all reports and recommendations presented by the staff and shall approve, approve with modifications or disapprove the minor subdivision.

G. Notification of Approval. Where applicable, notice of the approval, approval with modifications, or disapproval of a minor subdivision application by the city plan commission shall be reported in writing to the subdivider, engineer and surveyor within five working days of the commission hearing. If an approval with modifications is given by the city plan commission, the subdivider shall submit a recording plat as provided in Section 19.08.100 which incorporates and fully satisfies the modifications requested to the minor subdivision application.

H. Submission for Recording. Within six months following the date of approval of the minor subdivision application, the subdivider shall submit a recording plat subject to the requirements of Section 19.08.100 to the subdivision coordinator; provided, however, that a six-month extension to submit the recording plat may be granted by the city plan commission in the event that a delay is caused by action of the city, a public utility, or other governmental entity. A request for extension shall be made in writing by the subdivider on or before the initial expiration, and shall include a detailed explanation as to the reasons which merit the granting of an extension. Subsequent extensions shall meet the same requirements as the initial six-month extension.

The recording plat shall conform fully with the approved minor subdivision application and all provisions of this title. Failure to submit the recording plat within the six-month period, or within an approved six-month extension period, shall necessitate the total resubmission of the minor subdivision application which shall be subject to the subdivision regulations in effect at the time of resubmission.

I. Withdrawal of Minor Subdivision. A minor subdivision application may be withdrawn by the subdivider prior to the recording of the subdivision. A request for withdrawal shall be made officially in writing to the subdivision coordinator, no refund of the processing fee shall be allowed where a subdivision is withdrawn. (Ord. 16802 § 2 (part), 2007; Ord. 16685 § 1 (part), 2007; Ord. 13956 §§ 98, 99, 1999; Ord. 13907 §§ 8 (part), 9, 1998; Ord. 13111 § 1 (part), 1997)

19.08.060 Major subdivision.

A. Major Subdivision Defined. All subdivisions not otherwise classified as a minor or amending subdivision, shall be classified as a major subdivision.

B. Purpose and Intent. No major subdivision application shall be approved by the city plan commission unless the subdivider has evidenced all of the following:

1. Provision has been made for a water supply system that is sufficient in terms of quantity, dependability and quality to provide an appropriate supply of water for the type of subdivision proposed;
2. If a public sewerage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state and local laws and regulations;
3. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider;
4. The subdivider demonstrates the financial ability to complete the proposed subdivision improvements in accordance with all applicable federal, state, and local laws and regulations;
5. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
6. The land to be subdivided will be suitable for the proposed use(s) of the subdivision;
7. The proposed subdivision conforms to zoning regulations applicable at the time that the proposed final plat application is filed; provided, however, an application for final plat submittal may be filed prior to the proposed final plat conforming to the zoning regulations when the subdivider provides the following with the final plat application:
 - a. Written notice that the subdivider waives the thirty-day time period for action by the city plan

commission on the proposed final plat application as required in Section 19.04.130 of this title; and

b. Written notice by the subdivider to the subdivision coordinator when the proposed subdivision application conforms to the zoning regulations; and

c. The fee charged for the final plat application shall be one hundred fifty percent of the final plat fee established under Section 19.04.140 of this title.

C. General Procedure. Whenever a tract of land is to be subdivided as a major subdivision, city plan commission action shall be required on the subdivision application pursuant to Section 19.04.130. The subdivider shall prepare a preliminary, final or combination plat for submission to the city plan commission. The plat shall meet all of the requirements specified in this section.

D. Major Subdivision Contents.

1. Preliminary Plat Submittal. The subdivider shall submit a preliminary plat which provides all of the following information:

a. Subdivision name, in bold-face type no smaller than one-half inch in height;

b. Date of preparation, plat scale, and approximate true north point;

c. Names, addresses and telephone numbers of the recorded owner(s) and the surveyor who prepared the plat;

d. Legal description stating approximate acreage;

e. Length, bearings and curve data for the plat boundaries;

f. Contour lines of the proposed subdivision, and two hundred feet outside and abutting the subdivision unless the area is modified by the development services director or designee, having the following intervals:

i. One-foot contour intervals for ground slopes between level and three percent,

ii. Two-foot contour intervals for ground slopes more than three percent and up to and inclusive of eleven percent,

iii. Five-foot contour intervals for ground slopes over eleven percent;

g. Name, right-of-way width, and type of existing street improvements within abutting right-of-way, including medians and median openings;

h. Location, type, material and size of existing culverts, drain pipes, watercourses, natural drainage channels, and site of their relocation, if proposed;

i. Approximate location of areas subject to inundation or stormwater overflow, and the location, widths and direction of flow of all watercourses and location, type, material and size of any proposed stormwater drainage facilities;

j. Location and outline, to scale, of each building or other structure existing within the proposed subdivision, noting whether such building or structure is to be removed or remain in the development, and other physical features which would influence the layout or design;

k. Approximate lot layout and lot dimensions;

l. Proposed land use of the property;

m. Proposed lot and block numbers;

n. Proposed street alignment including existing and proposed street right-of-way widths and paving widths, and approximate radii of all curves;

o. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions, including at least one row of adjacent lots and tracts;

p. Location and width of recorded and visible easements and rights-of-way to which the subdivision is subject;

q. Approximate width and location of all proposed easements for drainage, public utilities and other purposes;

r. Sources and availability of water supply when water service cannot be obtained from the El Paso water utilities;

s. Proposed method of sewage disposal when sewer services cannot be obtained from the El Paso water utilities;

t. A location map at a scale of one inch equals six hundred feet which provides identification of the proposed subdivision in relation to features such as local streets, arterial streets, schools and other features. The location map shall include all streets and blocks in the proposed subdivision;

u. Proposed street names and addresses;

v. Identification of existing or proposed release or other limitations of rights of access to and from streets and lots;

w. Identification of any corporate limits, state line, or reservation boundary crossing or adjoining the proposed subdivision;

x. Location and dimensions of any proposed supplemental transportation systems, such as walkways, sidewalks, bike trails and other related improvements;

- y. Location, dimension and area of all parcels of land proposed to be set aside for park or playground use, or other public use, or for the common use of property owners in the subdivision;
- z. Classification of every street within and adjacent to the subdivision, based on the proposed design.

2. Final Plat Submittal.

a. Within six months following the date of preliminary plat approval by the city plan commission of a major subdivision application, the subdivider shall submit a final plat to the subdivision coordinator; provided, however, that a six-month extension to submit the final plat may be granted by the city plan commission in the event that a delay is caused by action of the city, a public utility, or other governmental entity. A request for extension shall be made in writing by the subdivider on or before the initial expiration, and shall include a detailed explanation as to the reasons which merit the granting of an extension. Subsequent extensions shall meet the same requirements as the initial six-month extension.

The final plat shall conform fully within the approved preliminary plat and all provisions of this title. Any amendments to the approved preliminary plat made by the subdivider which are deemed to be major modifications by the subdivision coordinator, shall necessitate a resubmittal of the preliminary plat. For purposes of this section, a major modification shall mean any change proposed by a subdivider which has the effect of changing either the lot configuration or size, the street layout or classification, the park size or location, the open space or common area location or size, or the location of easements or other proposed public improvements. In no instance shall a recommendation by the staff be made on a final plat submittal that would require a major redesign or any substantive addition from the approved preliminary plat. Failure to submit the final plat within the six-month period, or within an approved six-month extension period, shall require the total resubmission of the major subdivision application which shall be subject to the then existing subdivision regulations.

b. The final plat shall provide all of the following information:

- i. Subdivision name, in bold-face type no smaller than one-half inch in height. If a subdivision is to be platted in phases, each phase shall bear the name of the subdivision and the unit number. If the subdivision is to be identified as a replat of a subdivision and the same subdivision name is to be maintained, the replat(s) shall be labeled consecutively;
- ii. Date of preparation, plat scale (both graphic and numeric), north direction and basis of north direction;
- iii. The lettering shall be placed on the plat so as to be read from the bottom or from the right-hand side of the sheet and direction of north shall be directed away from the reader;
- iv. Legal description stating approximate acreage;
- v. Length, bearings and curve data for the plat boundaries;
- vi. Name and width of abutting rights-of-way;
- vii. Lot layout and lot dimensions;
- viii. Lot and block numbers;
- ix. Locations, names, total width and width on each side of the centerline of all streets, alleys and other rights-of-way within the subdivision;
- x. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions; including at least one row of adjacent lots and parcels;
- xi. Location and width of recorded and visible easements and rights-of-way to which the subdivision is subject;
- xii. Width and location of proposed easements for drainage, public utilities and other purposes;
- xiii. Sites for public parks, schools or other public uses;
- xiv. Sources and availability of water supply when water service cannot be obtained from the El Paso water utilities;
- xv. Method of sewage disposal when sewer services cannot be obtained from the El Paso water utilities;
- xvi. A location map at a scale of one inch equals six hundred feet which provides identification of the proposed subdivision in relation to features such as local streets, arterial streets, schools and other features. The location map shall include all streets and blocks in the proposed subdivision;
- xvii. Street names and lot address numbers;
- xviii. Identification of any release or other limitations of rights of access to and from streets and lots;
- xix. Identification of any corporate limits, state line or reservation boundary crossing or adjoining the proposed subdivision;
- xx. Survey data, including:
 - (A) The subdivision shall be tied by bearing and distance to either a section corner, survey line,

(B) Two-foot contour intervals for ground slopes more than three percent and up to and inclusive of eleven percent.

- (C) Five-foot contour intervals for ground slopes over eleven percent,
- vi. Name, right-of-way width, and type of existing street improvements within abutting right-of-way, including medians and median openings,
- vii. Location, type, material and size of existing culverts, drain pipes, watercourses, natural drainage channels, and site of their relocation, if proposed,
- viii. Approximate location of areas subject to inundation or stormwater overflow, and the location, widths and direction of flow of all watercourses and location and type of any proposed stormwater drainage facilities,
- ix. Location and outline, to scale, of each building or other structure existing within the proposed subdivision, noting whether such building or structure is to be removed or remain in the development, and other physical features which would influence the layout or design,
- x. Approximate lot layout,
- xi. Proposed street alignment including existing and proposed street right-of-way widths and paving widths, and approximate radii of all curves,
- xii. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions,
- xiii. Location and width of all recorded and visible easements and rights-of-way to which the subdivision is subject,
- xiv. Sources and availability of water supply when water service cannot be obtained from the El Paso water utilities,
- xv. Proposed method of sewage disposal when sewer services cannot be obtained from the El Paso water utilities,
- xvi. Identification of applicable school district(s) within proposed subdivision,
- xvii. Location and dimensions of any proposed supplemental transportation systems, such as walkways, sidewalks, bike trails and other related improvements;
- b. Final plat which provides all of the following information:
 - i. Subdivision name, in bold-face type no smaller than one-half inch in height. If a subdivision is to be platted in phases, each phase shall bear the name of the subdivision and the unit number. If the subdivision is to be identified as a replat of a subdivision and the same subdivision name is to be maintained, the replat(s) shall be labeled consecutively,
 - ii. Date of preparation, plat scale (both graphic and numeric), north direction and basis of north direction,
 - iii. The lettering shall be placed on the plat so as to be read from the bottom or from the right-hand side of the sheet and direction of north shall be directed away from the reader,
 - iv. Legal description stating approximate acreage,
 - v. Length, bearings and curve data for the plat boundaries,
 - vi. Name and width of abutting rights-of-way,
 - vii. Lot layout and lot dimensions,
 - viii. Lot and block numbers,
 - ix. Locations, names, total width and width on each side of the centerline of all streets, alleys and other rights-of-way within the subdivision,
 - x. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions, including at least one row of adjacent lots and parcels,
 - xi. Width and location of proposed easements for drainage, public utilities and other purposes,
 - xii. Sites for public parks, schools or other public uses,
 - xiii. Sources and availability of water supply when water service cannot be obtained from the El Paso water utilities,
 - xiv. Method of sewage disposal when sewer services cannot be obtained from the El Paso water utilities,
 - xv. A location map at a scale of one inch equals six hundred feet which provides identification of the proposed subdivision in relation to features such as local streets, arterial streets, schools and other features. The location map shall include all streets and blocks in the proposed subdivision,
 - xvi. Street names and lot address numbers,
 - xvii. Identification of any release or other limitations of rights of access to and from streets and lots,
 - xviii. Identification of any corporate limits, state line, or reservation boundary crossing or adjoining the proposed subdivision,
 - xix. Survey data, including:
 - (A) The subdivision shall be tied by bearing and distance to either a section corner, survey line, grant line, or other known and accepted survey points. This tie shall be delineated on the plat,
 - (B) Any section line, survey line or grant line crossing or adjoining the subdivision shall be clearly

designated and located on the plat,

(C) The subdivision plat shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines; provided however, the chord bearing, tangent and radius shall not be required on lot lines,

(D) All recognized survey monuments and other evidence of the subdivision boundary location found, set, reset or replaced, describing their type and location shall be identified,

(E) All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification,

(F) The centerlines of all streets in and adjoining the subdivision, indicating all permanent survey monuments found,

(G) All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second,

(H) A print-out of the mathematical closure of the exterior boundary of the subdivision, and of each block within the subdivision, which indicates the error of closure of the respective parcel,

(I) The subdivision shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the subdivision is within three thousand feet of such horizontal control monument as determined by the development services director or designee,

(J) A subdivision tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the reference angle to a published azimuth marker, shall be shown on the plat. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey,

xx. All lots and parcels shall have all dimensions, boundaries and courses clearly shown and defined. This includes lots and parcels intended for sale, reserved for private purposes or offered for dedication for any purpose,

xxi. Certification by the surveyor that the plat represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards,

xxii. Location and dimensions of any proposed supplemental transportation systems, such as walkways, sidewalks, bike trails and other related improvements,

xxiii. Location, dimension and area of all parcels of land proposed to be set aside for park or playground use, or other public use, or for the common use of property owners in the subdivision,

xxiv. Centerlines of all streets in and adjoining the subdivision shall be shown, indicating all permanent survey monuments found or placed,

xxv. Dedication, acknowledgment and certification statements as required in Appendices M and N, on file in the planning department,

xxvi. When approved by the United States Postal Service, a note on the face of the plat indicating that postal delivery service within the subdivision will be provided using neighborhood delivery and collection box units.

E. Distribution and Review. The subdivision coordinator shall distribute prints of the major subdivision application to the staff. Written comments and recommendations on the major subdivision application shall be submitted by staff to the subdivision coordinator within two weeks from the date of distribution of a preliminary plat or combination plat, or within one week from the date of distribution of a final plat which received preliminary plat approval. All objections to the subdivision application shall be submitted in writing. Staff shall make a determination concerning whether the subdivision application complies generally with the intent of these regulations. The recommendation of the staff, accompanied with an explanation of their recommendation, shall be presented to the city plan commission. The subdivision coordinator shall compile a report of the written comments and supply a copy of this report to the city plan commission, subdivider, engineer and surveyor at least three working days prior to the commission hearing.

F. City Plan Commission Action. The report of the written comments and recommendations of the staff shall be submitted to the city plan commission. The city plan commission shall review all reports and shall approve, approve with modifications or disapprove the major subdivision application.

G. Notification of Approval. Notice of the approval, approval with modifications, or disapproval of a major subdivision application by the city plan commission shall be reported in writing to the subdivider, engineer and surveyor within five working days of the commission hearing. If final plat approval with modifications is given by the city plan commission, the subdivider shall submit a

recording plat as provided in Section 19.08.100 which incorporates and fully satisfies the modifications requested to the major subdivision application.

H. Submission for Recording. Within six months following the date of final plat approval of the major subdivision application, the subdivider shall submit a recording plat subject to the requirements of Section 19.08.100 to the subdivision coordinator; provided, however, that a six-month extension to submit the recording plat may be granted by the city plan commission in the event that a delay is caused by action of the city, a public utility, or other governmental entity. A request for extension shall be made in writing by the subdivider on or before the initial expiration, and shall include a detailed explanation as to the reasons which merit the granting of an extension. Subsequent extensions shall meet the same requirements as the initial six-month extension.

The recording plat shall conform fully with the approved minor subdivision application and all provisions of this title. Failure to submit the recording plat within the six-month period, or within an approved six-month extension period, shall necessitate the total resubmission of the major subdivision application which shall be subject to the subdivision regulations in effect at the time of resubmission.

I. Withdrawal of Major Subdivision. A major subdivision application may be withdrawn by the subdivider prior to the recording of the subdivision. A request for withdrawal shall be made officially in writing to the subdivision coordinator. No refund of the processing fee shall be allowed where a subdivision is withdrawn. (Ord. 16802 § 2 (part), 2007; Ord. 16685 § 1 (part), 2007; Ord. 13956 §§ 100–103, 1999; Ord. 13907 §§ 8 (part), 10, 11, 12, 1998; Ord. 13111 § 1 (part), 1997)

19.08.070 Amending subdivision.

A. Amending Subdivision Defined. An “amending subdivision” shall be defined as a plat of a tract of land which is controlling over the preceding plat without vacation of that plat, if it is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat;
2. To add a course or distance that was omitted on the preceding plat;
3. To correct an error in a real property description shown on the preceding plat;
4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. To correct any other type of scrivener or clerical error or omission previously approved by the city plan commission; such errors and omissions including, but not limited to, lot numbers, acreage, street names and identification of adjacent recorded plats;
7. To correct an error in courses and distances of lot lines between two adjacent lot lines if:
 - a. Both lot owners join in the application for correcting the plat,
 - b. Neither lot is abolished,
 - c. The correction does not attempt to remove recorded covenants or restrictions, and
 - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. To relocate one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for correcting the plat,
 - b. The amendment does not attempt to remove recorded covenants or restrictions, and
 - c. The amendment does not increase the number of lots; or
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect applicable zoning and other regulations of the city,
 - b. The changes do not attempt to amend or remove any covenants or restrictions, and
 - c. The area covered by the changes is located in an area that the city plan commission has approved, after a public hearing, as a residential improvement area; or
11. To replat one or more lots fronting on an existing street if:
 - a. The owners of all those lots join in the application for amending the plat,
 - b. The amendment does not attempt to remove recorded covenants or restrictions,
 - c. The amendment does not increase the number of lots, and
 - d. The amendment does not create or require the creation of a new street or make necessary the

extension of municipal facilities.

B. Purpose and Intent. The purpose of the amending subdivision process is to allow for a timely approval process when corrections to a previously recorded subdivision are necessitated without vacation of that plat. The classification of a subdivision as an amending subdivision shall not be construed as a waiver of any other requirement of this title, or any other applicable ordinance or statute governing the platting of property.

C. General Procedure. Whenever a tract of land is to be subdivided as an amending subdivision, the subdivision application shall be exempt from the procedural provisions of Section 19.04.130 (A) and may be approved administratively. An amending subdivision application shall be approved administratively by the subdivision coordinator, without city plan commission action. If the subdivision coordinator fails to act upon the application within the required time period, the amending subdivision application shall be deemed approved as submitted.

D. Amending Subdivision Contents. The subdivider shall submit a final plat of the amending subdivision application, for only the portion of the preceding plat for which a correction is to be made, which provides all of the following:

1. Supporting Documents. Written verification from the El Paso water utilities that existing municipal facilities are of adequate capacity to serve the subdivision and that no extension of municipal utilities is required when a replat is submitted as provided in subsection (A)(11) of this section.

2. Final Plat Submittal. The subdivider shall submit a final plat which shall provide all of the following information:

- a. Subdivision name, in bold-face type no smaller than one-half inch in height, and identified as an "amending subdivision";
- b. Date of preparation, plat scale (both graphic and numeric), and north direction and basis of north direction;
- c. The lettering shall be placed on the plat so as to be read from the bottom or from the right-hand side of the street and direction of north shall be directed away from the reader;
- d. Legal description stating approximate acreage;
- e. Length, bearings and curve data for the plat boundaries;
- f. Name and width of abutting rights-of-way;
- g. Lot layout and lot dimensions;
- h. Lot and block numbers;
- i. The locations, names, total width and width on each side of the centerline of all streets, alleys and other rights-of-way within the subdivision;
- j. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions, including at least one row of adjacent lots and tracts;
- k. The location and width of recorded and visible easements and rights-of-way to which the subdivision is subject;
- l. Width and location of proposed easements for drainage, public utilities and other purposes;
- m. A location map at a scale of one inch equals six hundred feet which provides identification of the proposed subdivision in relation to features such as local streets, arterial streets, schools and other features. The location map shall include all streets and blocks in the proposed subdivision;
- n. Street names and lot address numbers;
- o. Identification of any release or other limitations of rights of access to and from streets and lots;
- p. Identification of any corporate limits, state line, or reservation boundary crossing or adjoining the proposed subdivision;
- q. Survey data, including:
 - i. Any section line, survey line or grant line crossing or adjoining the subdivision shall be clearly designated and located on the plat.
 - ii. The subdivision plat shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines; provided however, the chord bearing, tangent and radius shall not be required on lot lines.
 - iii. All recognized survey monuments and other evidence of the subdivision boundary location found, set, reset or replaced, describing their type and location.
 - iv. All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification.
 - v. The centerlines of all streets in and adjoining the subdivision, indicating all permanent survey monuments found.
 - vi. All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof, all bearings shall be shown to the nearest degree, minute and second.
 - vii. A print-out of the mathematical closure of the exterior boundary of the subdivision, and of

each block within the subdivision, which indicates the error of closure of the respective parcel;
 r. All lots and parcels shall have all dimensions, boundaries and courses clearly shown and defined. This includes lots and parcels intended for sale, reserved for private purposes or offered for dedication for any purpose;

s. Certification by the surveyor that the plat represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards;

t. Dedication, acknowledgment and certification statements as required in Appendices M and N, on file in the planning department;

u. A note on the face of the plat indicating the correction(s) made to the preceding plat.

E. Distribution and Review. The subdivision coordinator shall distribute prints of the amending subdivision application to the staff which shall make written comments and recommendations on the amending subdivision application to the subdivision coordinator within one week following the date of distribution. The subdivision coordinator shall compile a report of the written comments. The report shall be provided to the subdivider, engineer and surveyor and shall constitute the approval with modifications of the amending subdivision application by the subdivision coordinator. Any changes necessitated by the report of the subdivision coordinator to the amending subdivision application shall be made. Submission of a recording plat as provided in Section 19.08.100 shall incorporate and fully satisfy all modifications requested to the amending subdivision application by the subdivision coordinator.

F. Within six months following the date of final plat approval of an amending subdivision application, the subdivider shall submit a recording plat subject to the requirements of Section 19.08.100 to the subdivision coordinator; provided, however, that a six-month extension to submit the recording plat may be granted by the subdivision coordinator in the event that a delay is caused by action of the city, a public utility, or other governmental entity. A request for extension shall be made in writing by the subdivider on or before the initial expiration, and shall include a detailed explanation as to the reasons which merit the granting of an extension. Subsequent extensions shall meet the same requirements as the initial six-month extension.

The recording plat shall conform fully within the approved amending subdivision application and all provisions of this title. Failure to submit the recording plat within the six-month period, or within an approved six-month extension period, shall require the total resubmission of the amending subdivision application which shall be subject to the then existing subdivision regulations.

G. Withdrawal of Amending Subdivision. An amending subdivision application may be withdrawn by the subdivider prior to the recording of the subdivision. A request for withdrawal shall be made officially in writing to the subdivision coordinator. No refund of the processing fee shall be allowed where a subdivision is withdrawn. (Ord. 16802 § 2 (part), 2007; Ord. 13907 § 13, 1998; Ord. 13111 § 1 (part), 1997)

19.08.080 Subdivision improvement plan submission.

A. When Required. A set of subdivision improvement plans shall be submitted for all subdivision applications for which subdivision improvements are proposed.

B. Submission Contents. When required by this title and upon final plat approval of a subdivision application by the city plan commission or the subdivision coordinator where administrative approval is authorized, a set of subdivision improvement plans shall be submitted to the development services director or designee for review for code compliance. Review of the subdivision improvement plans for code compliance pursuant to this title shall authorize the recording plat submission pursuant to this title. The subdivision improvement plans shall be submitted for the entire area covered by the subdivision application, and shall comply with all provisions of this title. Submission shall include the following:

1. Nine copies of the complete set of subdivision improvement plans as required and in the form specified in the subdivision improvement design standards. One additional copy shall be provided under each occurrence applicable below:

a. The subdivision application contains, adjoins or drains into any street, highway, right-of-way or drainage structure maintained by the Texas Department of Transportation,

b. The subdivision application contains, adjoins, crosses or plans to drain into, or contains plans to construct or reconstruct any drainage ditch, irrigation ditch or structure belonging to or maintained by an authority having proper jurisdictional authority,

c. The subdivision application contains, adjoins or drains onto any property belonging to any other state or federal agency;

2. A letter of intent assuring the installation, erection and construction of the improvements shown within the approved final plat. The letter of intent shall specify that in consideration of the city acceptance for dedication and acceptance for maintenance of the subdivision improvements, the subdivider agrees to complete the work within the time specified in Section 19.28.010. It shall also provide that the subdivider will construct the required subdivision improvements at his expense, except where the city council has authorized by specific resolution other provisions for financing part or all of the improvements. A warranty shall be included in the letter of intent which provides that the subdivider will correct at his expense any construction deficiencies which occur within one year following their acceptance by the city;

3. A performance guarantee as provided in Section 19.28.020 where required by the city plan commission as part of the final plat approval;

4. An illumination plan for any public or private street right-of-way within a subdivision, including within the area of the extraterritorial jurisdiction, or custom lighting approved outside of the street right-of-way. The illumination plan shall show the approximate location of the street lights as approved by the traffic division of the engineering department. The plan shall identify the type and number of required street lights, and shall be prepared in accordance with the requirements of Section 19.16.030 of this title. Approximate locations of neighborhood delivery and collection box units approved by the United States Postal Service shall also be shown on the illumination plan;

5. A phasing plan, where phasing is proposed, for the construction and installation of the required subdivision improvements; provided, that all of the subdivision improvements are completed within the time period specified in Section 19.28.010. The development services director or designee shall approve the phasing proposed, except that no phasing plan shall be approved unless the required drainage structures and ponding areas serving the subdivision are constructed as part of the initial phase of the development. Where the development services director or designee disapproves a phasing plan, the subdivider may appeal the decision to the city plan commission upon a written request submitted to the subdivision coordinator. Whether or not the development services director or designee approves phasing at the time of the subdivision improvement plan submission, a subdivider may request phasing and submit a phasing plan at any time prior to the expiration of the time period for completion of the subdivision improvements, or any authorized extension. A phasing plan submitted and accepted by the development services director or designee after the approval of the subdivision improvement plan submission shall be considered an authorized amendment to the subdivision improvement plans and such approved phasing plan shall be attached to and incorporated as part of the approved subdivision improvement plans.

C. Distribution and Review. Upon submission of the subdivision improvement plans by the subdivider as required in this section, and upon a review of the development services director or designee that the submission is accepted for completeness, the development services director or designee shall within one working day of the submission, distribute a set of the plans to the El Paso water utilities, the division of traffic engineering of the engineering services department, and any other affected department or agency for technical review. Written comments and recommendations shall be submitted to the development services director or designee within ten days following the date of distribution. All objections or approvals to the plans shall be submitted in writing. The development services director or designee shall complete his review of the subdivision improvement plans within a total of fifteen working days from the date that the submission is accepted for completeness. Failure of the development services director or designee to provide written comments within the prescribed fifteen working days shall permit the subdivider to proceed with the construction of the subdivision improvements pursuant to the plans submitted; except that a subdivider may authorize in advance an extension to the prescribed time period for additional review by the development services director or designee. The authorization for a time extension shall be provided in writing by a subdivider prior to the expiration of the prescribed fifteen working days. It shall be the responsibility of the subdivider to insure that the subdivision improvement plans satisfy all the requirements of the city code and any other regulatory requirement.

Once the official notice of the comments is provided to the subdivider, the subdivider shall make any necessary changes to the plans required by the development services director or designee. Within fifteen working days of the completed review, the subdivider shall submit six copies of the revised plans to the development services director or designee, each sheet of each set of plans imprinted or stamped with the seal of the engineer submitting the plans. Failure of the subdivider to submit the revised plans to the development services director or designee within the prescribed period shall necessitate the total resubmission and payment of appropriate fees of the

subdivision improvement plans; except that a subdivider may request in advance an extension to the prescribed time period from the development services director or designee for additional time to submit the revised plans. The development services director or designee shall approve or disapprove the revised subdivision improvement plans within five working days based on revisions requested at the initial review of the plans.

If the development services director or designee fails to review the revised subdivision improvement plans within the prescribed period, it shall permit the subdivider to proceed with the construction of the subdivision improvements pursuant to the plans submitted. It shall be the responsibility of the subdivider to insure that the subdivision improvement plans satisfy all the requirements of the city code and any other regulatory requirement. A copy of any subdivision improvement plans submitted within the extraterritorial jurisdiction, after approval by the development services director or designee, shall be forwarded to the county road and bridge administrator. Additional copies may be requested by the development services director or designee for informational purposes and review by other agencies.

The development services director or designee shall forward a written certification to the subdivision coordinator advising of the approval of the subdivision improvement plans. The certification shall identify the subdivision name, legal description, and acreage for which the approval was granted.

If the city is unable to comply with the time requirements specified in this section due to unforeseeable causes beyond the control and without the fault or negligence of the city, including, but not restricted to, acts of God, or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, orders of any kind of the government of the United States or the state of Texas, operation of law, civil disturbances, explosions and severe weather, such time restrictions shall be suspended until such time that the inability to perform due to the unforeseeable cause no longer exists.

D. Early Submission. A subdivider may elect to submit a set of subdivision improvement plans prior to final plat approval of a subdivision where administrative approval is authorized, to permit an early review by the development services director or designee. Review of the subdivision improvement plans shall be completed within fifteen working days following written notice by the subdivider to the development services director or designee that the final plat has been approved. Changes to the plans which are required as part of the review by the development services director or designee shall be subject to the applicable provisions of Subsection 19.08.080(C). (Ord. 16685 §§ 1 (part), 2, 3, 20007; Ord. 13956 §§ 104–106, 1999; Ord. 13907 §§ 14–16, 1998; Ord. 13111 § 1 (part), 1997)

19.08.090 Dedication offers.

A. Offers for Dedication. All streets, drainage ways, parks and other rights-of-way or public easements shown within a subdivision application and intended for public use, whether within the corporate limits or within the extraterritorial jurisdiction, shall be offered for dedication as part of the final approval of a plat. Upon approval of the subdivision application by the city plan commission, the offers on the final plat shall be deemed dedicated and available for acceptance by the city. Whenever a subdivision proposes the dedication of land to public use and the city plan commission finds that such land is not required or is not suitable for public use, the commission may either deny the subdivision or it may require the rearrangement of lots to include such land.

B. Effect of Approval on Dedication. The approval of a final plat by the city plan commission is not considered an acceptance of any dedication and does not impose on the city or the county any duty regarding the maintenance or improvement of any dedicated parts until the city council or county commissioners' court makes an actual appropriation of the dedicated parts by entry, use or improvement. The procedure for acceptance for maintenance described in Chapter 19.32 of this title shall provide the basis of entry, use or improvement by the city. The disapproval of a plat by the city plan commission is considered a refusal by the city of the offered dedication indicated on the plat. (Ord. 13111 § 1 (part), 1997)

19.08.100 Recording plat submission.

A. Following approval from the development services director or designee of the subdivision improvement plans, and within the six-month period following the date of final approval of a

subdivision application (or within an approved six-month extension period), the subdivider shall submit the recording plat of the subdivision application. The subdivider shall submit the following to the subdivision coordinator:

1. Five mylar or cloth prints of the recording plat signed by the property owner(s);
 2. An affidavit of ownership, including but not limited to a copy of a warranty deed, quit claim deed, or other such instrument evidencing the respective holdings of land;
 3. Appropriate acknowledgment shown within each mylar or cloth print of the recording plat as indicated within Appendices M and N, a copy of which are attached to the ordinance codified in this chapter;
 4. The engineer's and surveyor's certifications individually inscribed on each mylar or cloth print;
 5. The prescribed county recording fees (by check made payable to the "County of El Paso");
 6. One original copy of any release or other limitations of rights of access to and from streets and lots within the subdivision;
 7. One original copy of any restrictive covenants to be recorded with the subdivision;
 8. Certification from a title company qualified to do business in the state, showing the names of the owners of the property to be subdivided;
 9. A current tax certificate from the city tax assessor-collector indicating that all ad valorem taxes have been paid on the land included within the proposed subdivision;
 10. One computer generated map containing all of the recording plat information which is on an electronic medium format approved by the subdivision coordinator; provided, however, that hand-drawn recording plats shall be accepted as a substitute;
 11. A listing of the square footage or acreage for each individual lot proposed within the subdivision;
 12. One copy of the written certification from the development services director or designee approving the subdivision improvement plans.
- B. The subdivision coordinator shall obtain the necessary signatures required of city and county officials on each mylar or cloth print. After obtaining all required signatures, the subdivision coordinator shall present the prescribed county recording fee and the recording plat to the office of the county clerk for recording.
- C. The official recorded mylar or cloth print of the subdivision shall be maintained at the office of the county clerk. A recorded mylar or cloth print of the subdivision shall be maintained in the files of the deputy director for engineering if the recorded subdivision is located within the corporate limits, or in the files of the county road and bridge administrator if the recorded subdivision is located within the extraterritorial jurisdiction.
- D. Within ten working days following recordation of the plat, the subdivider shall submit twenty-five paper prints of the recorded subdivision to the subdivision coordinator for distribution to the appropriate city, county and other official agencies. (Ord. 16685 § 1 (part), 2007; Ord. 13956 §§ 108, 109, 1999; Ord. 13907 §§ 17, 18, 1998; Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS**Chapter 19.12 PARKLAND DEDICATION**19.12.010 Policy plan and purpose.19.12.020 Dedication required.19.12.030 Parkland calculation.19.12.040 Review by director of department of parks and recreation.19.12.050 Standards for deeded parkland.19.12.060 Exclusions from dedication requirement.19.12.070 Deed conveyance.19.12.080 Off-site dedication of parkland.19.12.085 Parkland credits.19.12.090 Bonus reductions for recreational improvements.19.12.100 Fee in lieu of parkland dedication.19.12.110 Parkland fees special fund.19.12.120 Applicability.**19.12.010 Policy plan and purpose.**

The requirements for the dedication of parkland established by this title are based in part on the standards, needs and objectives set forth in the El Paso parks and recreation master plan, routinely amended and adopted by the city council, a copy of which shall be retained in the office of the subdivision coordinator and shall be incorporated by reference herein for all purposes. The El Paso parks and recreation master plan describes, for strategic planning purposes, a total system of park and recreational facilities, goals and objectives. The plan also identifies the need for parks within the overall land-use pattern of the community, identifies alternatives which may be available for reducing the need, and proposes methods of applying the alternatives which are designed to be systematic, orderly and equitable.

The primary purpose of the parkland dedication requirements is to insure that any need for parkland which arises from new development is satisfied by the developers as part of the new development, so that those who generate the need contribute their proportionate share to alleviating the need. Accordingly, when new development occurs, a reasonable contribution is to be made for space and facilities for those who live or work in the new development to engage in active and passive recreation activities within or near the new development. In some instances, the need for parks resulting from new development may be addressed most effectively through the development and acquisition of community parks serving several neighborhoods. Parks shall meet the following minimum standards:

Type	Size	Service Area
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Mini-neighborhood	< 2 acres	1 square mile
Neighborhood	2 to 10 acres	1 1/2 square mile
Community	10.1 acres or greater	4 square miles
Regional	50 + acres	> 5 square miles

(Ord. 16532 § 1, 2006; Ord. 13111 § 1 (part), 1997)

19.12.020 Dedication required.

All subdivisions located within the corporate limits shall be required to provide for the parkland needs of future residents of the subdivisions through the conveyance of fee simple title of suitable land to the city. The land conveyed and deeded to the city shall not be subject to reservations of record, encumbrances or easements which will interfere with the use of the land for park purposes. Where a sub-surface interest is severed from the surface estate, a retention of the sub-surface interest will not be considered an encumbrance for the purposes of this section.

A. A residential subdivision shall provide for the parkland needs of the community pursuant to Section 19.12.030. For purposes of this chapter, a residential subdivision shall include any subdivision application submitted on property where the zoning allows for single-family, two-family or multifamily development (apartments). This provision may be waived by the city plan commission where the city is provided a copy of deed restrictions or other legal instrument verifying that the property within the subdivision application, or portion thereof, is restricted to nonresidential uses as defined in this section. The evidence shall be provided to the subdivision coordinator with the filing of the preliminary plat, and shall be reviewed by the city attorney prior to the city plan commission action on the preliminary plat. Failure of the subdivider to provide this information with the filing of the preliminary plat shall result in the subdivision application being considered as a residential subdivision.

B. A subdivision, not otherwise classified as a residential subdivision, shall be required to provide for the parkland needs of the subdivision as provided in Section 19.12.100 of this chapter. However, the city may grant an exception where a nonresidential subdivision contains an area of significant archeological, historical, ecological or geological importance as determined by a federal or state agency. In such cases, the city may accept a dedication of such area as a conservancy park in lieu of, or in addition to, the payment of park fees, depending on the valuation of the land to be dedicated. For purposes of this section, conservancy park means a park whose protection and management of natural/cultural environment is the primary objective with recreation use as a secondary objective. The dedication of such land must be recommended by the director of parks and recreation and the development review committee and approved by the city plan commission and city council. In determining the market value of the land to be dedicated, the city will obtain an appraisal. The cost of the appraisal will be reimbursed to the city by the applicant whether or not the exception is finally approved by the city. If the first appraisal obtained by the city is disputed by the applicant, the applicant shall obtain a second independent appraisal at the applicant's expense. The city must agree on the qualification of the second independent appraiser before the appraisal is requested by the applicant. If the city attorney determines that there is a substantial difference between the two appraisals, the city will contact a third independent appraiser to perform a review appraisal, the cost of which shall be paid by the applicant. The city council shall then make a final determination of market value which shall be binding on all parties.

The per acre fee proscribed by Section 19.12.100(A)(2) of this chapter will be used to determine the amount of fees required to be paid by the developer and in those cases where the land proposed to be dedicated is valued at less than what the developer would be required to pay under Section 19.12.100(A)(2) of this chapter, the developer will have to pay the remaining difference in park fees. Additionally, the developer must dedicate to the city enough land to provide legal public access to the proposed conservancy park. Any dedication of land provided for under this section shall require off-site dedication. The provisions of Section 19.12.050 of this chapter are not applicable to dedications made under this section. Where the land has been accepted by the city as a conservancy park pursuant to this section, and where the land was previously shown as a lot on a recorded subdivision and park fees were paid to the city, the city

may refund the value of the land as determined by the appraisal, but in no case shall the refund exceed the total amount of the park fees paid.

C. The requirement to provide parkland to the city pursuant to this title shall not be satisfied using land required to be conveyed by the subdivider to the city as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance, except as specifically provided in Section 19.12.120. (Ord. 16802 § 2 (part), 2007; Ord. 14395 (part), 2000; Ord. 13907 § 19, 1998; Ord. 13111 § 1 (part), 1997)

19.12.030 Parkland calculation.

A. Rate.

Where a residential subdivision application is filed, the amount of parkland required to be deeded to the city shall be as follows:

1. Single-Family and Two-Family. One acre of parkland for every one hundred dwelling units calculated as follows:

$$x = y/100$$

x is the density (dwelling units per acre) of the subdivision; and,

y is the amount of acres of parkland required to be deeded.

2. Multifamily. One acre of parkland for every two hundred dwelling units calculated as follows:

$$x = y/200$$

x is the density (dwelling units per acre) of the subdivision; and,

y is the amount of acres of parkland required to be deeded.

B. Density Calculated.

1. In calculating the parkland requirement for residential subdivision applications, density shall be determined as follows:

a. Single-Family and Two-Family. The actual number of units allowed by the number of lots platted within the subdivision application.

b. Multifamily (Apartments). The gross density permitted by the zoning classification on the property (Title 20).

2. The city plan commission may waive the gross density used in the parkland calculation rate for multifamily development when the subdivider verifies by means of deed restrictions or other legal instrument that the density permitted within the subdivision is less than the gross density required by subsection (B)(1) of this section. The evidence shall be provided to the subdivision coordinator with the filing of the final plat, and shall be reviewed by the city attorney prior to city plan commission action on the final plat. Failure of the subdivider to provide this information with the filing of the final plat shall result in the gross density rates of this section being applied to the parkland calculation.

C. School/Park Shared Usage. When the city and a school district agree in writing to shared usage of recreational facilities and grounds adjacent to school property, the improved parkland required by a subdivider shall be reduced by the amount of school property reserved for shared use according to the following procedure:

a - b = c	"a"	is the amount of parkland required to be deeded to the city;
	"b"	is the amount of school property indicated by the written agreement to be jointly used for park usage;
	"c"	is the amount of parkland to be deeded to the city with reduction of school/park shared usage.

Where the amount of school property exceeds the amount of parkland required to be deeded to the city pursuant to this title, no excess credit shall be given to the subdivider.

The city and the school district shall enter into a joint agreement which shall identify the areas of shared usage, maintenance provisions and liability.

D. Dual Park/Pond Usage. Whenever possible, but only when supported by an affirmative recommendation from the director of parks and recreation department and the development services director or designee, park and ponding areas shall be designed for dual purposes. The improved parkland required by a subdivider shall be reduced by the amount of useable ponding area reserved for shared use according to the following procedure:

19.12.030

- | | | |
|-------------|-----|--|
| $a - e = c$ | "a" | is the amount of parkland required to be deeded to the city; |
| | "e" | is the amount of ponding area to be jointly used for park usage; |
| | "c" | is the amount of parkland to be deeded to the city with reduction of dual park/pond usage. |

For purposes of this subsection, the area of the ponding area to be used in applying the reduction shall be the useable acreage of the pond which is deemed acceptable for park usage by the director of the parks and recreation department. Where the area of the pond acceptable for park usage exceeds the amount of parkland required to be deeded to the city pursuant to this title, a parkland credit shall be derived and may then be used by a subdivider to reduce by an equivalent amount any subsequent parkland requirement generated by the submission of a residential subdivision. The credit shall be applied to any residential subdivision developed within the applicable park zone. In no instance shall a credit be applied to property outside the designated park zone. The formula used to determine the credit shall be as provided in Section 19.12.080 (B). (Ord. 16685 § 1 (part), 2007; Ord. 16291 § 1, 2006; Ord. 13956 § 110, 1999; Ord. 13907 § 20, 1998; Ord. 13111 § 1 (part), 1997)

19.12.040 Review by director of department of parks and recreation.

The director of the parks and recreation department, or his designee, shall make recommendations based upon requirements of this chapter to the planning department at the appropriate time within the plat review process. Recommendations received pursuant to this chapter shall be noted on the written report prepared by the subdivision coordinator for the subdivision application, and shall be forwarded to the subdivider and the city plan commission, where applicable. (Ord. 13111 § 1 (part), 1997)

19.12.050 Standards for deeded parkland.

A. General Characteristics. Parkland deeded to the city as provided in this chapter shall meet the standards set forth below:

1. The size of the parkland shall be as determined by the density of the residential subdivision submitted pursuant to Section 19.12.030. The minimum parkland size to be dedicated to the city shall be one acre, except as provided herein. Where one acre or more of parkland is required to be dedicated pursuant to this chapter, such dedication shall be accepted and no exceptions or modifications may be requested or approved by the director of the department of parks and recreation or the city plan commission. Where the calculation of the density of the residential subdivision results in less than one acre of parkland to be dedicated to the city, the city may negotiate to purchase and accept from the subdivider a park improved by the subdivider of one acre or more; or the subdivider may dedicate and improve a park of one acre or more and receive credits as provided in this chapter. The city plan commission may approve a dedication of a park site of less than one acre only if the following conditions are met:
 - a. The residential subdivision application is submitted as an infill development; or the subdivider dedicates and improves alternate open space amenities to be used by the public, including but not limited to, walking and bicycle trails. The amount to be dedicated shall be calculated based on the density of the residential subdivision submitted pursuant to Section 19.12.030;
 - b. The subdivider demonstrates a derived public benefit based on usability and feasibility of the smaller park site or other amenity to be dedicated; and
 - c. The director of the department of parks and recreation makes an affirmative recommendation on the smaller park site or other amenity.

2. A minimum of one hundred feet of frontage contiguous with a public accessway, except where approved by the director of the parks and recreation department;
 3. The location of the park site shall be based on an affirmative recommendation of the director of the department of parks and recreation, and should be located adjacent to school sites or ponding areas where possible to facilitate shared facilities;
 4. When parkland is deeded to the city as required by this title, the area of the park shall be calculated on the property line except that where the park abuts a public accessway, the area shall be calculated to the back of the curbline of the public accessway;
 5. Facilities and improvements provided by a subdivider to parkland shall be designed and installed to meet the minimum standards of the parks and recreation department as established in the parks facilities standards, a copy of which is maintained by the director of the department of parks and recreation; and
 6. Where possible, parkland shall be designed and located within a subdivision within one-half mile of every residence within the subdivision; and further allows for an extension or connection to a public park or other public recreational facility within an abutting subdivision.
- B. Dual Park/Ponding Use. The parkland may be designed and constructed to allow for dual recreational/ponding use. This option shall not be exercised unless the director of parks and recreation department and the development services director or designee approve the location and design of the dual park/pond.
- C. Improvements Required. Parkland deeded to the city shall be improved as required by this subsection. The subdivider shall indicate the proposed parkland improvement(s) within the subdivision improvement plans as required in Section 19.08.080. Construction of the required parkland improvement(s) shall be in accordance with the approved subdivision improvement plans, and shall be completely installed and constructed by the subdivider within the time period specified for construction of subdivision improvements in this title. An improved park shall, at a minimum, include the following:
1. Paving frontage, curbing, gutter and utility extensions for all street frontage abutting the outside perimeter of the parkland;
 2. An accessible route installed adjacent to the curb on all street frontage abutting the outside perimeter of the parkland of a minimum width and construction to provide accessibility to individuals with disabilities as provided in the subdivision improvement design standards;
 3. Grading, automatic irrigation and turf within the parkland boundaries, the design and installation as approved by the director of the parks and recreation department. The city plan commission may, upon an affirmative recommendation from the director of the parks and recreation department, allow parkland to remain undisturbed in its natural state.
- D. Exceptions. For purposes of this section, off-site dedications accepted pursuant to Section 19.12.080 shall not be required to satisfy the requirements of subsection C of this section at the time of acceptance of the deed by the city. The city shall require the approval of a development agreement as a condition of acceptance of an off-site dedication, requiring such improvements at the time of subdivision recording by the property owner who deeded the parkland, or a subsequent purchaser. (Ord. 16685 § 1 (part), 2007; Ord. 16291 § 2, 2006; Ord. 13956 § 111, 1999; Ord. 13111 § 1 (part), 1997)

19.12.060 Exclusions from dedication requirement.

The following shall be excluded from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this section:

- A. A residential replat of an area where the density has not been increased from the original subdivision, as evidenced by the original subdivision and replat;
- B. A nonresidential replat where easements or rights-of-way are eliminated, added or changed from the original subdivision, as evidenced by the original subdivision and replat;
- C. A nonresidential replat which changes the lot location or design, but where the number of lots has not been increased, as evidenced by the original subdivision and replat;
- D. A replat which changes the use of the original subdivision from residential to nonresidential, and the fees paid (or the equivalent fees which would have been paid based on parkland dedicated) on the original subdivision are more than or equal to the fees required on the replat;
- E. A replat which changes the use of the original subdivision from nonresidential to residential, and the fees paid on the original subdivision are more than or equal to the fees required on the replat;

- F. All property within a subdivision which is zoned planned mountain development district (PMD) whether for residential or nonresidential uses, as evidenced by the official zoning map;
- G. Land shown within an amending subdivision where density is not increased, as evidenced by the original and amending subdivisions; or
- H. Land shown within a subdivision, whether residential or nonresidential, which is designated for use as a public facility. (Ord. 13907 § 21, 1998; Ord. 13111 § 1 (part), 1997)

19.12.070 Deed conveyance.

- A. Subdivision Dedication. Parkland to be conveyed as part of a residential subdivision application shall be designated as city property on both the preliminary and final plats. At the time the recording plat is submitted, the subdivider shall deliver to the planning department the deed conveying fee simple title of all parkland shown on the final plat approved by the city plan commission. The city shall join as a signatory on the subdivision, but shall have no responsibility to provide any public improvements shown within the approved final plat beyond the general responsibilities the city has to improve and maintain all of its parks.
- B. Off-Site Dedication. The city may accept, upon affirmative recommendations from the director of the parks and recreation department and the city plan commission, a deed conveying fee simple title to parkland that is not part of a subdivision, and is not planned to become part of a subdivision in the foreseeable future. Where an off-site dedication is made pursuant to Section 19.12.080, the subdivider shall deliver to the planning department the deed conveying fee simple title of all parkland recommended for approval by the director of the parks and recreation department and the city plan commission. The city council shall review and accept the deed conveying fee simple title to the parkland prior to recording of the deed at the county clerk's office. (Ord. 13111 § 1 (part), 1997)

19.12.080 Off-site dedication of parkland.

- A. Application. Where a land study is submitted by a subdivider pursuant to Section 19.08.040, the city or the subdivider may request that an off-site dedication of parkland be accepted within the corporate limits. An application for off-site dedication of parkland shall be filed by a subdivider with the subdivision coordinator. The application shall not require a processing fee and shall include the following:
 1. Completed forms available at the office of the subdivision coordinator signed by the property owner;
 2. A metes and bounds description prepared by a surveyor of the property to be dedicated as a park, including calculations showing the area;
 3. A minimum of eighteen copies of a survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four inch by thirty-six inch sheets having a minimum one-half inch border on all sides, except where the subdivision coordinator approves a modified scale or other acceptable format, showing all of the following:
 - a. Legal description stating approximate acreage,
 - b. Date of preparation, map scale (both graphic and numeric), north direction and basis of north direction,
 - c. Length, bearings and curve data for the survey map boundaries,
 - d. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions; including at least one row of adjacent lots and parcels,
 - e. A location map at a scale of one inch equals six hundred feet, except where the subdivision coordinator approves a modified scale, which provides identification of the proposed park in relation to features such as local streets, arterial streets, schools and other features,
 - f. Identification of any release or other limitations of rights of access to and from the proposed park,
 - g. Survey data, including:
 - i. The survey map shall be tied by bearing and distance to either a section corner, survey line, grant line, or other known and accepted survey points. This tie shall be delineated on the survey map.
 - ii. Any section line, survey line, or grant line crossing or adjoining the property shall be clearly designated and located on the survey map.
 - iii. The survey map shall show bearings and lengths of all lines, the radius, central angle, chord

bearing and distance, length of curve and tangent of curve for all curved lines.

iv. All recognized survey monuments and other evidence of the survey map boundary location found, set, reset or replaced, describing their type and location shall be identified.

v. All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification.

vi. The centerlines of streets adjoining the property, indicating all permanent survey monuments found.

vii. All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second.

viii. A print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel.

ix. The survey map shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the property is within three thousand feet of such horizontal control monument as determined by the development services director or designee.

x. A survey map tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the reference angle to a published azimuth marker, shall be shown on the map. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey,

h. Certification by the surveyor that the survey map represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards;

4. Certification from a title company qualified to do business in the state, showing the name(s) of the owner(s) of the property to be dedicated;

5. A current tax certificate from the city tax assessor-collector indicating that all ad valorem taxes have been paid on the property included within the survey map.

B. Review for Application Completeness. The subdivision coordinator shall, upon receipt of an application for off-site dedication of parkland, determine whether or not the application meets all of the content requirements for submittal in subsection A of this section. An application not meeting all of the submission requirements of this title shall be returned to the property owner within five working days following the date of acceptance for review of application completeness, indicating the information which is lacking on the application. For purposes of this section, the date of acceptance of an application for off-site dedication of parkland for review of application completeness shall not be counted as the first day of the five working day review period. If an application accepted for review of application completeness is not returned to the property owner within the five working day review period, the application for off-site dedication of parkland shall be deemed accepted and the time period specified within subsection C of this section shall commence on the sixth working day following the date the application for off-site dedication of parkland was accepted for review of application completeness.

C. General Provisions. An application for off-site dedication of parkland shall be recommended for approval, approval with modifications, or disapproval by the city plan commission within thirty days after submission of a completed application. A property owner may request in writing a deferral of action on the application, thereby waiving the thirty-day time period for action by the city plan commission. The city council shall take final action on the application following a recommendation from the city plan commission. The city council shall approve, approve with modifications, or disapprove the application.

D. Distribution and Review. Upon receipt of an application for an off-site dedication of parkland, the subdivision coordinator shall distribute the application to the development review committee. Written comments and recommendations on the application shall be submitted by members of the development review committee to the subdivision coordinator within two weeks from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the subdivision coordinator, and may require that the affected member's late comments and recommendations be presented directly to the development review committee. Where the development review committee does not accept the late comments and recommendations, a presentation by the affected member shall also be made directly to the city plan commission.

The subdivision coordinator shall present the application for an off-site dedication of parkland to the development review committee who shall determine whether the application, subject to any

written comments and recommendations, complies generally with the intent of these regulations. The recommendation of the development review committee, accompanied with an explanation of their recommendation, shall be presented to the city plan commission.

The subdivision coordinator shall compile a report of the written comments received by the development review committee and the recommendations of the development review committee, which shall be submitted to the city plan commission. A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

E. City Plan Commission Action. The report of the written comments and recommendations of the development review committee and the development review committee shall be submitted to the city plan commission. The city plan commission shall review all reports and recommendations presented by the development review committee and the development review committee and shall recommend approval, approval with modifications or disapproval of the application.

When the city plan commission recommends approval or approval with modifications of the application for off-site dedication of parkland, the subdivision coordinator shall forward the information to the city attorney for preparation of the dedication instrument.

F. Notification of Action. Notice of the recommendation for approval, approval with modifications or disapproval of an application for off-site dedication of parkland by the city plan commission shall be reported in writing to the property owner and surveyor within five working days of the commission hearing.

G. Submission for Recording. Within six months following the date of a recommendation for approval or approval with modifications by the city plan commission of an application for off-site dedication of parkland, the property owner shall submit five copies of the approved survey map which incorporates and fully satisfies any modifications requested to the application by the city plan commission, one original copy of the deed conveying ownership of the property to the city, and the prescribed county recording fees (by check made payable to the "County of El Paso"). The subdivision coordinator shall place the proposed dedication instrument on the city council agenda for finalization. Upon approval of the dedication instrument by the city council, the subdivision coordinator shall present the executed instrument, exhibits and deed to the city clerk for recording.

The subdivision coordinator shall distribute copies of the executed instrument, exhibits and deed to the appropriate city, county and other official agencies.

Failure of the property owner to submit the requested information, or to comply with any conditions imposed by the city plan commission, within the six-month period shall necessitate the total resubmission of the application for the off-site dedication of parkland, which shall be subject to the regulations in effect at the time of resubmission.

H. **Withdrawal of Application for Off-Site Dedication of Parkland.** An application for the off-site dedication of parkland may be withdrawn by a property owner prior to any final action by the city council. A request for withdrawal shall be made officially in writing to the subdivision coordinator. No refund of the processing fee shall be allowed where an application is withdrawn.

I. Appeal of City Plan Commission Denial. In the event that the city plan commission denies the application for off-site dedication of parkland, no dedication instrument shall be prepared by the city attorney and submitted to the city council for finalization. The property owner may, in writing, request an appeal to the city council by placing an item on the agenda of a regularly scheduled city council meeting. The appeal must be made within fifteen days of the denial by the city plan commission in the office of the city clerk. When an appeal is made, the property owner shall advise the subdivision coordinator of the date of the city council meeting and shall provide a copy of any documentation submitted with the appeal. The city council may deny the appeal for the off-site dedication of parkland or may approve the application and direct the preparation of the dedication instrument for recording.

Where the city council approves an application for off-site dedication of parkland, the property owner shall be required to submit the necessary documents for recording as provided in subsection F of this section. Failure of the property owner to submit the necessary documents for recording within six months following the date of the city council approval on appeal shall require the total resubmission of the application for off-site dedication of parkland which shall be subject to the then existing regulations.

J. Development Agreement. Upon approval of an off-site dedication of parkland by the city, a development agreement shall be executed requiring the improvement of the parkland as provided in Section 19.12.050(C). The development agreement shall set out the improvements completion schedule. (Ord. 16802 § 2 (part), 2007; Ord. 16685 § 1 (part), 2007; Ord. 13956 § 112, 1999;

Ord. 13907 § 22, 1998; Ord. 13111 § 1 (part), 1997)

19.12.085 Parkland credits.

A. Credit Applicability. Parkland to be deeded as part of a subdivision or an off-site dedication shall be entirely within the boundaries of no more than two adjacent park zones. A copy of the park zones, identified in the El Paso parks and recreational master plan and approved by resolution of the city council, is available from the subdivision coordinator. A parkland dedication shall be an option available to the subdivider where parkland credits derived are then used to reduce by an equivalent amount any subsequent parkland requirement generated by the submission of phased residential subdivisions. The credit shall be applied to residential subdivisions submitted from within the applicable park zone(s). Where a parkland dedication straddles two park zones, credits shall be allowed within either park zone.

B. Formula. For purposes of determining the credit, the following procedure shall be used:

$a - b = c$

"a" is the amount of parkland dedicated or deeded to the city expressed in total acres (credit);

"b" is the amount of subsequent parkland acreage required to be deeded to the city pursuant to Section 19.12.030 for a residential subdivision, based on the parkland calculation rates in effect at the time of the submittal;

"c" is the amount of parkland credit available from the parkland dedicated or deeded. If a reduction exceeds the credit, the difference shall be the amount of required parkland to be dedicated or deeded to the city after reduction.

In no instance shall a parkland credit be from the value of the land dedicated or deeded in terms of fees it would have generated, or the market value of the land expressed in dollars. This parkland credit option may be exercised by the subdivider who dedicated or deeded the parkland to the city, or may be transferred to a subsequent purchaser of land within the applicable park zone(s). The subsequent purchaser must submit written proof of such a transfer to the subdivision coordinator. The city plan commission shall approve, upon recommendation by the director of the parks and recreation department, the residential subdivision(s) to which the credit shall be applied. (Ord. 16532 § 2, 2006; Ord. 13907 § 23, 1998)

19.12.090 Bonus reductions for recreational improvements.

A. Bonus Reduction Applicability. The city plan commission, upon an affirmative recommendation of the director of the parks and recreation department, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city, which is part of a subdivision application as provided below. The percent reduction proposed by affirmative recommendation of the director of the parks and recreation department, for single-family, two-family or multifamily development, shall depend upon inspection and approval by city personnel and municipal code compliance of existing and new facilities.

1. Up to a twenty-five percent reduction from the initial parkland dedication requirement for recreational improvements to the proposed parkland within the subdivision application that generates the required conveyance;
2. Up to a one hundred percent reduction from the initial parkland dedication requirement for recreational improvements to parkland within the same park zone as the subdivision application that generates the required conveyance. Such recreational improvements to parkland may include, but are not limited to, the following: children's play apparatus; landscaped areas; family picnic areas; game court areas; playfields; swimming pools; and recreation center buildings and facilities;
3. No reduction from the initial parkland dedication requirement for the installation and

maintenance of private park amenities such as playground equipment (two to five years), playground equipment (six to twelve years), swing sets to include regular, infant and ADA equipment, canopies over playground equipment, park benches, picnic tables, trees, basketball courts, tennis courts, area light, walking path, gazebo, or for clubhouses, swimming pools, saunas, hot tubs, and/or fitness room(s) by the property owner within a single-family, two-family and multifamily development, based on the formula in this section.

Under no circumstance shall a bonus reduction be approved for required improvements to parkland as provided in Section 19.12.050(C), nor shall a bonus reduction be approved for recreational improvements to parkland which are required to be provided by the subdivider as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance.

4. Deleted.

5. Up to a one hundred percent reduction from the initial parkland dedication requirement for the dedication and development of alternate open space amenities, to include, but not limited to, recreational turf and irrigation, playground equipment or other recreational facilities, picnic areas, hike and bike trails, playfields, swimming pools and recreation center buildings and facilities, located inside or outside the boundaries of the subdivision, and located within the same park zone as the subdivision. The calculation of the reduction shall be based on the formula in this section.

B. Bonus Reduction Calculation. A bonus reduction approved under this section shall be determined according to the following procedure:

$a/100 = b$, for single-family and two-family developments; and

$a/200 = b$, for multifamily developments.

"a" is the actual cost of the improvement(s);

"b" is the bonus reduction expressed in number of units.

C. Excess Bonus Reduction. Where the bonus reduction applied for recreational improvements made to the parkland within the subdivision application that generates the required conveyance, or to parkland within the same park zone as the subdivision application that generates the required conveyance, the balance of the bonus reduction may be offset against the amount of parkland to be deeded to the city on any subsequent subdivision application(s) submitted by the same subdivider, and within the same park zone.

D. Validation of Costs. The subdivider shall provide documentation to the subdivision coordinator at the time of final plat filing sufficient to establish the validity of the estimated cost(s) that will be used to determine the bonus reduction under this section. The documentation shall accompany the request for a bonus reduction. The director of the parks and recreation department shall evaluate the documentation submitted and shall approve the value prior to any bonus reduction given under this section. In cases where the estimated cost(s) of the improvement(s) is disputed, the value shall be as finally determined by the director of the parks and recreation department.

E. Improvements Completion Schedule. A completion schedule for improvements proposed by a subdivider shall be submitted to the subdivision coordinator at the time the final plat is filed.

Improvement(s) to be provided by a subdivider pursuant to this section shall be shown on the subdivision improvement plans as required in Section 19.08.080. Construction of the improvement(s) shall be in accordance with the time periods required in Section 19.28.010.

Failure to complete the improvement(s) within the approved schedule shall be a violation of this title. (Ord. 16663 §§ 1, 2, 2007; Ord. 16429 §§ 1, 2, 2006; Ord. 13907 § 24, 1998; Ord. 13111 § 1 (part), 1997)

19.12.100 Fee in lieu of parkland dedication.

A. When Applicable.

1. Residential Subdivisions. In no instance shall the city accept a cash payment when one acre or more of parkland shall be dedicated to the city, except as provided herein. The city may accept a cash payment in lieu of parkland dedication under the following circumstances:

a. When an area of parkland less than one acre is required to be dedicated;

b. In instances where the parkland to be dedicated does not meet the standards set forth in this chapter;

c. When the city accepts a combination of the following: parkland dedication, cash payment in lieu of land dedication, or bonus reductions received pursuant to Section 19.12.090 of this chapter.

2. Nonresidential Subdivisions. The subdivider shall be required to pay fees in lieu of the dedication of parkland dedication for all nonresidential subdivisions applications. However, if the

city approves an exception under Section 19.12.020(B) of this chapter, the city may accept a dedication of land as a conservancy park in lieu of, or in addition to, the payment of park fees, depending on the valuation of the land to be dedicated.

B. Fee Calculation. For applications submitted on or after February 28, 2006 through August 22, 2006, and for which the fee is not due and has not been paid on or before August 22, 2006, the calculation of the fee paid in lieu of parkland dedication shall be based on the formula set forth in the ordinance adopted by city council on August 22, 2006. Thereafter the calculation of the fee paid in lieu of parkland dedication shall be based on the formula set forth in this chapter in effect at the time of the submission of the application, except as otherwise provided for state law or separate agreement. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:

1. Residential Subdivisions.

- a. Single-family and two-family: one thousand three hundred seventy dollars per dwelling unit;
- b. Multifamily: six hundred eighty dollars per dwelling unit.

2. Nonresidential Subdivisions. One thousand dollars per gross acre multiplied by the number of acres rounded to two decimal places, with a minimum of three hundred thirty-three dollars for a subdivision of less than one-third acre.

C. Form Tendered. A cash payment made pursuant to this section shall be tendered in the form of a cashier's check, payable to the city of El Paso. The cashier's check shall be submitted to the subdivision coordinator and shall accompany the recording plat submission.

D. Refunds. Under no circumstance shall fees received in lieu of parkland dedication required by this chapter be refunded to a subdivider.

E. Reprogramming of Parkland Fees. From time to time, the park zone boundaries may be amended by resolution of the El Paso city council to meet the geographic needs of the community as growth occurs. Park fees outstanding pursuant to this chapter may be automatically reprogrammed to the changed or expanded park zones within the same approved resolution as recommended by the director of the parks and recreation department. Any amounts and timelines for the expenditure of the programmed park fees shall remain unchanged. (Ord. 16532 § 3, 2006; Ord. 16429 § 3, 2006; Ord. 16291 § 3, 2006; Ord. 14395 (part), 2000; Ord. 13907 § 25, 1998; Ord. 13111 § 1 (part), 1997)

19.12.110 Parkland fees special fund.

A. Fund Established. The city shall establish a special fund for the deposit of all sums paid in lieu of parkland dedication pursuant to this chapter. The city shall account for all sums paid in lieu of parkland dedication with reference to the individual subdivisions involved, and all sums received shall be committed by the city within three years from the subdivision recordation. For purposes of this section, funds shall be considered committed: when funds are encumbered for expenditure on equipment and materials; when funds are set aside under an earnest money agreement for the purchase of parkland; when funds are to be awarded under a bid in process; or when funds encumbered are not expended because of delays by reason of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money. Where the sums cannot be committed within the initial three-year time period, the director of the parks and recreation department may request time extensions for expenditure of the sums from the city plan commission in one-year intervals; except that no more than five one-year time extensions may be granted by the city plan commission. The extension request(s) shall be submitted in writing to the subdivision coordinator sixty days prior to the expiration period for sums to be committed by the city, and shall include a detailed justification for the extension request(s).

Funds may be used for either acquisition or development, or both, of public parkland or other recreational facilities. In no case shall the funds be used for routine park or other recreational facility maintenance. Where fees are received in lieu of parkland dedication in residential subdivisions, the funds shall be spent on a park within the boundaries of the subdivision that generated the funds, or the applicable park zone. Provided, however, that the city plan commission, upon the affirmative recommendation of the director of the parks and recreation department, may authorize the expenditure of sums received in lieu of parkland dedication outside the applicable park zone, as part of the final plat approval, where infill development is proposed within older neighborhoods of the city, and where a park or other recreational facility is not available within the applicable park zone. In these instances, the city plan commission, upon the affirmative recommendation of the director of the parks and recreation department, shall authorize the expenditure of the sums from the proposed subdivision at the nearest appropriate

park or other recreational facility in an adjacent park zone. For nonresidential subdivisions, fees received in lieu of parkland dedication shall be spent on a neighborhood, community or regional park within the applicable park zone of the subdivision.

If funds are not committed within the required time period and any approved time extensions, the subdivider who provided the funds in lieu of the parkland dedication shall, upon written request, be entitled to a full refund within one hundred eighty days of the last day of the required period of moneys paid.

B. Accountability. The subdivision coordinator shall maintain a written record of all moneys received in lieu of parkland dedication, including, at a minimum, the total amount of parkland fees received, the subdivision generating the fees, the subdivision or park zone where moneys are to be spent, the subdivider, the representative district, the date moneys were received, and the expiration date for moneys to be committed. The director of the parks and recreation department shall maintain a written record of expenditures including, at a minimum, the balance after expenditure(s), an itemized statement of expenditure(s), and the parkland description where moneys are spent. These records shall be distributed as an annual progress report on each January to the city plan commission and the city council. (Ord. 16532 § 4, 2006; Ord. 13111 § 1 (part), 1997)

19.12.120 Applicability.

A. Subdivision Related Dedication.

1. Submittal Received On or After June 11, 1996.

a. Subdivision. A subdivision application filed with the subdivision coordinator on or after June 11, 1996 shall be subject to the parkland dedication regulations as herein codified.

b. Off-Site Dedication. Parkland proposed as an off-site dedication which application is filed with the subdivision coordinator on or after June 11, 1996 shall be subject to the parkland dedication regulations as herein codified.

2. Submittal Prior to June 11, 1996, Pursuant to Ordinance No. 9645, Enacted February 28, 1989.

a. Subdivision.

i. Application in Process. A subdivision application filed as a preliminary plat, preliminary/final plat, final plat, correction plat or replat with the subdivision coordinator before June 11, 1996 shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989, except that this provision shall not apply to any application which expires before the subdivider obtains final approval, disapproval or conditional approval of the plat or replat.

ii. Recorded Plat. Parkland deeded to the city as part of a recorded subdivision before June 11, 1996 shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989.

b. Off-Site Dedication.

i. Application in Process. Parkland proposed as an off-site dedication which application was filed with the subdivision coordinator before June 11, 1996, and where the city accepts the off-site dedication after the effective date of the ordinance codified in this chapter, shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989, except as follows:

(A) When a reduction option is exercised by the property owner to a subsequent parkland requirement within the same park zone, the reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision is filed with the subdivision coordinator. The reduction shall be on an acreage basis, and shall not be from the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars, unless otherwise provided in the agreement by which the city accepted the off-site dedication.

(B) The area of the parkland deeded to the city as an off-site dedication shall not include the area to the centerline of a proposed public accessway to be dedicated through a subsequent subdivision, unless otherwise provided in the agreement executed by the city accepting the off-site dedication, or unless a public accessway fronting the parkland is dedicated as part of the off-site dedication.

ii. Off-Site Dedication Accepted by City. Parkland accepted by the city as an off-site dedication before June 11, 1996 shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989, except as follows:

(A) When a reduction option is exercised by the property owner to a subsequent parkland

requirement within the same park zone, the reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision is filed with the subdivision coordinator, and the reduction shall not be from the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars, unless otherwise provided in the agreement by which the city accepted the off-site dedication.

(B) The area of the parkland deeded to the city as an off-site dedication shall not include the area to the centerline of a proposed public accessway to be dedicated through a subsequent subdivision, unless otherwise provided in the agreement executed by the city accepting the off-site dedication, or unless a public accessway fronting the parkland is dedicated at the same time as the off-site dedication.

3. Dedication of Parkland Prior to Ordinance No. 9645, enacted February 28, 1989. Where a subdivider dedicated parkland through an approved and valid land study (concept plan) prior to Ordinance No. 9645, that dedication may be reduced from the amount of parkland required in this title for any subdivision application filed within the original land study (concept plan) boundaries of the then-approved park zone. Where a reduction option is applied by the property owner to a subsequent parkland requirement, the reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision application is filed with the subdivision coordinator, and shall be on an acreage basis. A reduction shall not be from the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars, unless otherwise provided in an agreement executed by the city accepting the parkland.

B. Dedication Through Non-Subdivision. Where the city accepted or required parkland which was not part of a subdivision-related dedication, and which was executed through an approved development agreement or other legal instrument prior to the effective date of the ordinance codified in this chapter, that dedication shall not be subject to the reduction option for a subsequent parkland requirement generated within a subdivision as provided in this title, unless otherwise provided in the agreement or other legal instrument executed by the city, or unless the agreement in which the park committed was executed prior to February 28, 1989. Where authorized, a reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision is filed with the subdivision coordinator. The reduction shall not be based on the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars.

C. Documentation Required. Where a reduction in the parkland dedication requirement of this title is requested on the basis of parkland dedicated prior to June 11, 1996, the subdivider shall submit to the subdivision coordinator the proper evidence to demonstrate that the provisions of this section governing applicability are applicable. The evidence may include, but shall not be limited to the following: a copy of the filed deed conveying fee simple title to the parkland to the city, or other legal documentation demonstrating that the parkland is required to be dedicated to the city; a copy of an approved and valid land study (concept plan), where applicable; and a copy of the park zone approved as part of an off-site parkland dedication, where applicable. If a subdivider fails to submit the proper evidence as herein required, the requirements of this title as enacted on June 11, 1996 shall apply to all land within the boundaries of the original land study (concept plan) or approved park zone not previously platted, and no credit shall be given for previously dedicated parkland.

D. Bonus Reduction for Recreational Improvements. Any subdivision application that is still in process and has not been recorded with the county clerk's office may request a bonus reduction under the provisions of Section 19.12.090 by filing a subdivision application. (Ord. 16663 § 3, 2007; Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS

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19.16.090 Blocks.

19.16.100 Fire hydrants.

19.16.110 Utilities.

19.16.120 Easements.

19.16.130 Postal delivery service.

19.16.140 Subdivision identification signs.

19.16.150 Community facilities.

19.16.010 General design principles.

A. It is intended that the urban area be designed as a group of integrated residential neighborhoods with appropriate commercial and industrial and public facilities. Space for recreational, educational and shopping facilities to serve the residents of the neighborhood shall be provided and designed as an integral part of each neighborhood, as appropriate.

B. The size of lots, blocks and other areas for residential, commercial, industrial, public and all other land uses shall be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities.

C. The arrangement of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural physical features. The general arrangement of streets shall conform to the street classification system. The system of streets and sidewalks and the lot layout should be designed to take account of the visual qualities of the city.

D. It is the intention of the improvement standards and design principles to encourage new and creative ways to develop subdivisions. The development community and the government officials of the city are encouraged and required to develop new and innovative ways to improve the aesthetic value of subdivisions throughout the city while giving equal emphasis to safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access and pedestrian

passage.

E. Whenever a subdivider can demonstrate an alternative method of meeting the requirements of this chapter, it shall be incumbent upon the city staff, the city plan commission, and the city council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives.

F. Subdivision design shall be of a quality to carry out the purpose and spirit of the policies expressed in The Plan for El Paso and in this title. (Ord. 13111 § 1 (part), 1997)

19.16.020 Streets.

A. General.

1. All streets shall be planned to properly integrate with the existing and proposed system of local and arterial streets.

2. Local streets shall be designed to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary for convenient and safe access to property.

3. The subdivider shall not necessarily adhere to a rigid rectangular gridiron street pattern, but shall consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout.

4. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets.

5. Access shall be provided to the boundary lines of the tract being subdivided, unless prevented by topography or other physical conditions, or unless, the city plan commission determines that the extension is neither necessary nor desirable for coordination with existing street layouts or the most advantageous future development of adjacent tracts.

6. Streets shall be designed to support traffic generators, such as schools, business, shopping centers and population densities; and the pattern of land uses.

7. The arrangement of arterial streets shall conform to the official major thoroughfare plan, or an approved circulation plan of the city.

8. The subdivision design shall provide for the appropriate extension of existing and proposed streets.

9. Curbing shall be required for the purposes of drainage, safety, and delineation and protection of the pavement edge. Curb requirements shall vary according to street classification and intensity of development.

10. Sidewalks shall be required depending on street classification.

11. Street improvements required shall be in accordance with the subdivision improvement design standards.

12. State and federal highway designations shall be shown on all applicable streets.

B. Street Hierarchy. Street rights-of-way, whether public or private, shall be designed and constructed under one of the street classifications outlined below.

1. Local Streets.

a. Minor Residential Access Street. A minor residential access street is intended to primarily carry traffic from within the subdivision, and shall provide the safest environment for a residential neighborhood.

i. A minor residential access street shall be designed as a frontage street to provide direct access to abutting properties, and may include culs-de-sac, short streets and courts. A minor residential access street shall only be permitted where a minimum lot frontage of seventy feet is provided.

ii. Minor residential access streets are designed to carry an average daily traffic (ADT) volume no greater than two hundred vehicle trips. In the case of a loop street, each half may be regarded as a single minor residential access street. The total calculated average daily traffic (ADT) volume for a loop street shall be no more than four hundred vehicle trips.

iii. Minor residential access streets shall intersect or be accessed from streets of equal or higher classification in the hierarchy. A loop street shall be designed to discourage through traffic.

iv. The total right of way width for a minor residential access street shall be thirty-six feet; which shall include the following:

(A) Two ten-foot driving lanes;

(B) Two eight-foot parkways;

(C) Sidewalks located within the parkway;

(D) Standard curbing.

v. On-street parking shall be prohibited. A minor residential access street shall be identified as a

no-parking fire lane with traffic control signage as provided in the subdivision improvement design standards.

b. **Major Residential Access Street.** A major residential access street is intended to carry more traffic than a minor residential access street and shall provide at a minimum an acceptable environment for a residential neighborhood.

i. Major residential access streets shall be designed to discourage external through traffic which has neither its origin or destination on the major residential access street or from nearby minor residential access streets. The major residential access street provides frontage and access to residential lots but also carries some through traffic to minor residential access streets.

ii. Major residential access streets are designed to carry an average daily traffic (ADT) volume of five hundred vehicle trips with one access intersection, and seven hundred fifty vehicle trips with two access intersections. In the case of a loop street, each half may be regarded as a single major residential access street. The total calculated average daily traffic (ADT) volume shall be no more than one thousand five hundred vehicle trips.

iii. Major residential access streets shall intersect or be accessed from streets of equal or higher classification in the hierarchy.

iv. The total right-of-way width for a major residential access street shall be forty-four feet; which shall include the following:

- (A) Two ten-foot driving lanes;
- (B) One eight-foot parking lane;
- (C) Two eight-foot parkways;
- (D) Sidewalks located within the parkway;
- (E) Standard curbing.

v. On-street parking shall be permitted on one side of the street only. The proposed parking lane shall be shown on the subdivision application and shall be subject to the approval of the deputy director for engineering. If a major residential access street is extended from an adjacent subdivision, the parking lane shall be designated on the same side of the major residential access street as approved for the adjacent subdivision. The portion of the major residential access street on which on-street parking is prohibited shall be identified as a no-parking fire lane with traffic control signage as provided in the subdivision improvement design standards.

c. **Residential Subcollector Street.** A residential subcollector street is intended to be located at the periphery of a subdivision and shall carry traffic from one neighborhood to another.

i. The residential subcollector street carries residential neighborhood traffic, and provides frontage and access to residential lots.

ii. Residential subcollector streets are designed to carry an average daily traffic (ADT) volume of three thousand vehicle trips. Residential subcollector streets shall be designed to discourage through traffic unless connection to streets outside the subdivision is recommended by the traffic division of the engineering department.

iii. Residential subcollector streets shall intersect or be accessed from streets of equal or higher classification in the hierarchy.

iv. The total right-of-way width for a residential subcollector street shall be fifty-two feet; which shall include the following:

- (A) Two ten-foot driving lanes;
- (B) Two eight-foot parking lanes;
- (C) Two eight-foot parkways;
- (D) Sidewalks located within the parkway;
- (E) Standard curbing.

d. **Divided Residential Street.** A divided residential street is intended to reduce roadway impact to environmentally sensitive areas, to protect landscape and topography, and to promote an alternative to residential neighborhood design.

i. The divided residential street carries residential neighborhood traffic, and provides direct access to abutting properties. This street shall carry traffic from within the neighborhood and shall provide the safest environment.

ii. Divided residential streets are designed to carry an average daily traffic (ADT) volume of three thousand vehicle trips. Divided residential streets shall be designed to discourage through traffic unless connection to streets outside the subdivision is recommended by the traffic division of the engineering department.

iii. Divided residential streets shall intersect or be accessed from streets of equal or higher classification in the hierarchy.

iv. The total right-of-way width for a divided residential street shall vary based on the width of the median, but shall include as a minimum the following:

- (A) Two twelve-foot driving lanes;
 - (B) Two eight-foot parking lanes;
 - (C) Two eight-foot parkways;
 - (D) Sidewalks located within the parkway;
 - (E) Standard curbing;
 - (F) One median of variable width, whether raised or with header curbing; the median shall be landscaped and may include an area for cluster parking. The design shall be subject to the approval of the traffic division of the engineering department.
- e. Mountain Residential Street. A mountain residential street is intended to reduce roadway impact to environmentally sensitive areas and to protect landscape and topography, and shall only be used for development of property within the mountain development area.
- i. The mountain residential street carries residential neighborhood traffic, and provides direct access to abutting properties. This street shall carry traffic from within the neighborhood and shall provide the safest environment.
- ii. Mountain residential streets shall be designed to discourage through traffic unless connection to streets outside the subdivision is recommended by the traffic division of the engineering department.
- iii. The total right-of-way width for a mountain residential street shall be twenty-three feet; which shall include the following:
- (A) Two ten-foot driving lanes;
 - (B) Header curbing;
 - (C) No sidewalks;
 - (D) No parkways;
 - (E) Utility easements; as needed within the subdivision to accommodate utility service connections.
- iv. On-street parking shall be prohibited. Designated parking areas may be provided on property adjacent to the street right-of-way.
- f. Divided Mountain Residential Street. A divided mountain residential street is intended to reduce roadway impact to environmentally sensitive areas and to protect landscape and topography, and shall only be used for development of property within the mountain development area.
- i. The divided mountain residential street carries residential neighborhood traffic, and provides direct access to abutting properties. This street shall carry traffic from within the neighborhood and shall provide the safest environment.
- ii. Divided mountain residential streets shall be designed to discourage through traffic unless connection to streets outside the subdivision is recommended by the traffic division of the engineering department.
- iii. The total right-of-way width for a divided mountain residential street shall vary based on the width of the median, but shall include as a minimum the following:
- (A) Two ten-foot driving lanes;
 - (B) Header curbing;
 - (C) One median of variable width with header curbing;
 - (D) No sidewalks;
 - (E) No parkways;
 - (F) Utility easements; shall be provided as needed within the subdivision to accommodate utility service connections.
- iv. On-street parking shall be prohibited. Designated parking areas may be provided on property adjacent to the street right-of-way.
- g. Alley. An alley provides a secondary means of access to lots. The following design considerations shall apply.
- i. No parking shall be permitted within the right-of-way. An alley shall be identified as a no-parking fire lane with traffic control signage as provided in the subdivision improvement design standards.
- ii. The total right-of-way width shall be as follows:
- (A) Twenty feet for two-way traffic; which shall include the following:
 - (1) Two ten-foot driving lanes,
 - (2) One three-foot concrete valley gutter located at the centerline of the right-of-way when the longitudinal slope of the alley is less than one percent and drainage is to be carried within the alley. The subdivider may handle the drainage carried within an alley in an alternate means, which shall be subject to the approval of the deputy director for engineering,
 - (3) No curbing required,
 - (4) No sidewalks required,
 - (5) No parkways required;

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which shall include the following:

- (A) Two sets of three eleven-foot driving lanes;
- (B) One twenty-four-foot raised median;
- (C) Two ten-foot parkways;
- (D) Sidewalks located within the parkway;
- (E) Standard curbing.

ii. A major arterial, which is shown as part of a designated bike lane in the Bike Element of the Metropolitan Transportation Plan, shall have a right-of-way width of one hundred twenty feet; which shall include the following:

- (A) Two sets of two eleven-foot inner driving lanes;
- (B) One twenty-four-foot raised median;
- (C) Two ten-foot outer driving lanes;
- (D) Two six-foot bike lanes;
- (E) Two ten-foot parkways;
- (F) Sidewalks located within the parkway;
- (G) Standard curbing.

d. Super Arterial. Super arterials are streets with access control, minimized intersecting streets, restricted parking, carry high-volume traffic and which ordinarily collect and distribute traffic to and from other major arterial streets. Access to a super arterial from abutting properties shall be discouraged.

i. The total right-of-way width for a super arterial with no bike lanes shall be one hundred thirty-six feet; which shall include the following:

- (A) Two sets of four eleven-foot driving lanes;
- (B) One twenty-eight-foot raised median;
- (C) Two ten-foot parkways;
- (D) Sidewalks located within the parkway;
- (E) Standard curbing.

ii. A super arterial, which is shown as part of a designated bike lane in the Bike Element of the Metropolitan Transportation Plan, shall have a right-of-way width of one hundred forty-six feet; which shall include the following:

- (A) Two sets of three eleven-foot inner driving lanes;
- (B) One twenty-eight-foot raised median;
- (C) Two ten-foot outer driving lanes;
- (D) Two six-foot bike lanes;
- (E) Two ten-foot parkways;
- (F) Sidewalks located within the parkway;
- (G) Standard curbing.

3. Substandard Streets.

a. Local Streets.

i. Whenever a proposed subdivision abuts an existing local street of substandard right-of-way width, the subdivider shall dedicate as part of the proposed subdivision the necessary right-of-way to upgrade the existing local street to the local street classification warranted by the average daily traffic (ADT) volume to be carried by the subdivision; except that in no instance shall the city require a subdivider to upgrade an existing substandard local street to a street classification higher than a residential subcollector street. The city plan commission shall permit a partial dedication of one-half the right-of-way from the subdivision under consideration when it determines that it is possible to acquire the necessary additional right-of-way from both adjoining properties. The commission shall make a determination based on the following considerations: the location and dimension of abutting easements, rights-of-way, drainage facilities, canals, laterals, drains and public utilities; the proposed location of easements for drainage, public utilities and other purposes; and the existing topographical conditions and limitations of the land. In all instances, the dedication of additional street right-of-way to upgrade an existing substandard local street shall be for that portion of the substandard local street abutting the proposed subdivision.

ii. Whenever a proposed subdivision abuts an existing local street having substandard street improvements, the city plan commission shall make a determination on whether the subdivider shall be required to make street improvements to the substandard local street abutting the proposed subdivision. The determination made by the commission shall be based on findings of a traffic impact study that the street improvements requested are necessitated by and attributable to the proposed development.

b. Arterial Streets.

i. Whenever a proposed subdivision abuts an existing arterial street of substandard right-of-way width, the subdivider shall dedicate as part of the subdivision the necessary right-of-way to upgrade the existing arterial street to the arterial street classification warranted by the average daily traffic (ADT) volume to be carried by the subdivision as determined by a traffic impact study. Where additional right-of-way is requested, it shall be based on a finding that such additional right-of-way is necessitated by and attributable to the proposed development. The city plan commission shall permit a partial dedication of one-half the right-of-way from the subdivision under consideration when it determines that it is possible to acquire the necessary additional right-of-way from both adjoining properties. The commission shall make a determination based on the following considerations: the location and dimension of abutting easements, rights-of-way, drainage facilities, canals, laterals, drains and public utilities; the proposed location of easements for drainage, public utilities and other purposes; and the existing topographical conditions and limitations of the land. The dedication of additional street right-of-way to upgrade an existing substandard arterial street shall be for that portion of the substandard arterial street abutting the proposed subdivision, as determined by the city plan commission.

ii. Whenever a proposed subdivision abuts an existing arterial street having substandard street improvements, the city plan commission shall make a determination on whether the subdivider shall be required to make street improvements to the substandard arterial street abutting the proposed subdivision. The determination made by the commission shall be based on findings of a traffic impact study that the street improvements requested are necessitated by and attributable to the proposed development.

c. Substandard street improvement formula. Street improvements to a substandard local or arterial street required by the city plan commission shall be determined as follows:

i. Step One. The deputy director for engineering shall provide the subdivider with the existing and reasonably anticipated future peak-hour flows for the substandard local or arterial street.

ii. Step Two. If the existing system does not have adequate capacity to support the traffic volume generated by the proposed subdivision, the subdivider shall be required to provide the pro rata share of the cost of the improvements to the local or arterial street classification which is the closest lesser street, based on the following:

Street Class	Tolerable Flow (ADT Volumes)
Local Streets:	
Minor residential access	500
Major residential access	1,500
Residential subcollector	3,000
Divided residential	3,000
Mountain residential	400
Divided mountain residential	500
Alley	250
Arterial Streets:	
Collector arterial	14,900
Minor arterial	19,100
Major arterial	27,900
Super arterial	34,900

In all instances, a minimum of two driving lanes, improved to city standards, shall be required to provide adequate access to a proposed subdivision. Provided, however, that where a subdivision is proposed abutting a substandard local or arterial street, and the adjoining subdivision made minimum improvements (a two-lane roadway), the subdivider shall be required, at a minimum, to improve the remaining portion of the substandard local or arterial street up to a right-of-way width

of a residential subcollector.

d. Whenever a subdivider is required to provide street improvements to a substandard local or arterial street as determined by the city plan commission, and upon an affirmative recommendation of the deputy director for engineering, the subdivider shall have the option of providing a monetary contribution in the form of an irrevocable letter of credit or a cashier's check to the city in an amount equal to the projected cost of the required street improvements based on an allocation formula as follows:

$$\begin{array}{lcl} \text{Developer's} & & \text{Subdivision peak-hour} \\ \text{Cost} & = & \text{traffic to be} \\ & & \text{accommodated by the} \\ & & \text{improved street} \\ & \times & \text{Total city} \\ & & \text{cost of} \\ & & \text{improved} \\ & & \text{street at} \\ & & \text{future} \\ & & \text{peak-hour} \\ & & \text{traffic.} \\ & & \text{Capacity of improved} \\ & & \text{(future peak-hour} \\ & & \text{traffic)} \end{array}$$

The subdivider shall, prior to the plat recordation, provide the proportionate share to the city. The city shall establish a special fund for the deposit of all sums paid by a subdivider pursuant to this subsection. Funds may be used for either acquisition of right-of-way or improvement on any portion of the applicable substandard street. The city shall account for all sums paid with reference to the individual subdivision and the substandard street involved, and all sums received shall be committed by the city within a period not to exceed ten years from the date of receipt of payment. Where the sums cannot be committed by the city within the initial ten year period, the deputy director for engineering may request a time extension for expenditure of the sums from the city plan commission in three-year intervals; except that no more than five three-year time extensions may be granted by the city plan commission. The extension request(s) shall be submitted in writing to the subdivision coordinator at least sixty days prior to the expiration period for sums to be committed by the city, and shall include a detailed justification for the extension request(s).

If funds are not committed within the required time period and any approved time extensions, the subdivider who provided the monetary contribution shall, upon written request, be entitled to a full refund within one hundred eighty days of the expiration of the commitment period.

C. Stub Streets. Stub streets may be permitted on local streets within a subdivision which is proposed as a phased development, and for which the proposed street extension in its entirety has been approved as part of a preliminary plat or land study. A guard-rail and Type III dead-end sign shall be provided by the subdivider pursuant to the subdivision improvement design standards for stub streets. Where a stub street provides frontage to any lot, and the nearest street intersection is a distance greater than two-hundred fifty feet from the stub street, a paved turnaround shall be provided having a minimum outside radius of forty-five feet. A paved turnaround shall not be required where no frontage is provided to any lot.

D. Cul-De-Sac Streets.

1. Cul-de-sac streets shall be permitted within local and arterial street classifications.
2. Cul-de-sac streets shall provide a turnaround with a minimum radius of forty-five feet measured from the centerline of the turnaround to the curb line or edge of paving if no curb is required. A T- or Y- shaped turnaround may be used within a minor residential access street, major residential access street or a mountain residential street classification; provided, that the turnaround length of the turnaround is sixty feet, that the distance measured from the centerline of the intersecting street to the centerline of the turnaround is no greater than three hundred feet, and that on-street parking shall be prohibited within the turnaround.
3. A landscaped island may be installed at the cul-de-sac turnaround, which shall be perpetually maintained by the subdivider, a homeowner's association, or other entity created by the subdivision. The minimum width of the roadway at the turnaround shall be twenty feet. On-street parking shall be prohibited within the turnaround.
4. The length of a cul-de-sac shall be measured from the centerline of the turnaround to the centerline of the nearest intersecting street which provides two separate routes of vehicular egress/ingress to a street outside the subdivision. Any arterial street shall be considered as providing two separate routes of vehicular egress/ingress.
5. The maximum length of the cul-de-sac shall be seven hundred fifty feet, except that a length up to two thousand feet may be approved by the city plan commission provided that a subdivider

submits evidence of the following:

- a. That no secondary access can be reasonably provided to the portion of the subdivision which is to be served by the cul-de-sac;
- b. That limited access to the subdivision is due to a topographical condition on the property or a particular physical surrounding;
- c. That a circular turnaround is provided at the end of the cul-de-sac;
- d. That intermediate turnarounds (eyebrows) be provided to accommodate emergency vehicle access within the cul-de-sac, spaced at a maximum distance of seven hundred fifty feet apart;
- e. That building construction within the area of a cul-de-sac exceeding a length of one thousand feet shall be fire sprinklered;
- f. That fire hydrants within a cul-de-sac shall be installed as follows, unless otherwise approved by the general manager of the El Paso water utilities and the fire chief; provided, however, that in no case shall such approval impose stricter standards than those contained herein:
 - i. Within fifty feet of the intersection of the cul-de-sac with the nearest intersecting outlet street,
 - ii. At the beginning of the turnaround of the cul-de-sac,
 - iii. At intervals not exceeding five hundred feet, and
 - iv. In the parkway on the same side of the street.
6. A cul-de-sac length in excess of two thousand feet shall require a finding by the city plan commission pursuant to Section 19.04.170 of this title. In all cases an approval for a modification of the cul-de-sac length shall require that a circular turnaround be provided at the end of the cul-de-sac, that intermediate turnarounds (eyebrows) be provided to accommodate emergency vehicle access within the cul-de-sac spaced at a maximum distance of seven hundred fifty feet apart, and that the building construction within the area of the cul-de-sac exceeding a length of one thousand feet shall be sprinklered.
7. Cul-de-sac streets shall be designed and constructed in accordance with the subdivision improvement design standards.

E. Curbing.

1. Local Streets.

- a. Where standard curbing is required within a local street classification, a concrete curio and gutter shall be installed and constructed as provided in the subdivision improvement design standards. The development services director or designee shall allow the use of rolled curbing, in substitution for standard curbing, when the subdivider has adequately provided for stormwater runoff within the subdivision design.
- b. Header curbing as a minimum shall be required for mountain residential and divided mountain residential streets, for local streets where on-site ponding is required, and for local streets proposed within the extraterritorial jurisdiction; the installation and construction as provided in the subdivision improvement design standards.
2. Arterial Streets. Standard curbing shall be provided within arterial streets, the installation and construction as provided in the subdivision improvement design standards.

F. Sidewalks. Sidewalks shall provide direct access to residences, schools, public recreational facilities, and commercial and retail facilities as part of a pedestrian circulation system.

1. Local Streets.

- a. Sidewalks shall be required on all local street classifications, except as follows:
 - i. On mountain residential and divided mountain residential streets within an approved subdivision; or
 - ii. On alleys within an approved subdivision; or
 - iii. On local streets within an approved subdivision where all the lots provide a minimum one-half acre lot area and the adjoining properties have no sidewalks; or
 - iv. On local streets within an approved subdivision where a determination has been made by the development services director or designee that the sidewalks will impede drainage; or
 - v. On local streets within an approved subdivision where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; or
 - vi. On local streets within an approved subdivision which meet all of the following criteria as determined by the city plan commission:
 - (A) A characteristic of the neighborhood is that no sidewalks have been required to date, and
 - (B) The subdivision adjoins or lies within a neighborhood in which buildings or structures have been constructed on at least fifty percent of the lots within the neighborhood, and
 - (C) The type of subdivision and intensity of land use is compatible with the character of the neighborhood; or
 - vii. On local streets within an approved planned unit development where pedestrian access is

provided within the approved subdivision through an alternative sidewalk design not installed within the street right-of-way; provided, however, that an easement may be required by the deputy director for engineering to provide for the installation of traffic signage and signalization, utility services, neighborhood delivery and collection box units, or other similar facilities.

b. Where required, sidewalks shall be a minimum of four feet wide; shall be provided in required parkways; and shall be located entirely within the parkway. Sidewalks shall be installed on both sides of the local street right-of-way and shall be located adjacent to the property line and parallel to the curbline. A sidewalk shall be allowed to meander within the parkway to avoid encroachments of street lights, traffic signs, neighborhood delivery collection box units, utility installations and other facilities.

c. Required sidewalks may be located adjacent to and parallel with the curbline only under the following circumstances:

i. On the turnaround portion of a cul-de-sac street; or

ii. On the rear side of a double-front lot when all of the following apply:

(A) The subdivision design provides for single-loaded streets, and

(B) Both street frontages are local streets, and

(C) The sidewalk is flared to a minimum width of seven feet along the curb radius at a street intersection, and

(D) The sidewalk is wide enough to provide a minimum clear width of three feet at encroachments, including street lights, traffic signs, neighborhood delivery collection box units, utility installations, or other facilities; or

iii. On a local street where an existing sidewalk on an adjoining property is located adjacent to and parallel to the curbline, and the city plan commission determines that a public benefit would result from permitting the new sidewalk to be similarly designed and constructed; or

iv. On a minor residential access street and major residential access street when all of the following apply:

(A) The sidewalk is flared to a minimum width of seven feet along the curb radius at a street intersection, and

(B) The sidewalk is wide enough to provide a minimum clear width of three feet at encroachments, including street lights, traffic signs, neighborhood delivery collection box units, utility installations, or other facilities.

d. Where sidewalks are not required or are permitted to be installed adjacent to and parallel with the curbline within a local street classification, the total street right-of-way shall be reduced by deducting three feet six inches from the parkway on each affected side of the local street, except for right-of-way needed to satisfy the requirement for an accessible passing space.

e. The sidewalk construction specifications shall be in accordance with the subdivision improvement design standards and Chapter 13.04 of the El Paso Municipal Code. Sidewalks shall be installed as provided in Chapter 19.28 of this title.

2. Arterial Streets.

a. Sidewalks shall be required on all arterial street classifications, except on arterial streets which meet the following criteria as determined by the city plan commission:

i. Arterial streets within an approved subdivision where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; or

ii. Arterial streets within an approved subdivision that is on property zoned C-4, M-1, M-2, M-3 or P-I, and all of the following apply:

(A) No sidewalks exist on the adjoining properties, and

(B) A determination is made by the city plan commission that the development is within an area in which there is no foreseeable need to provide sidewalks for pedestrian traffic; or

iii. Arterial streets within an approved subdivision that is on property zoned C-4, M-1, M-2, M-3 or P-I, and all of the following apply:

(A) The total arterial street right-of-way width is seventy feet or less, and

(B) The arterial street provides access to only one development, and functions as internal circulation within the development; or

iv. Arterial streets where the location of sidewalks would be so unsafe for pedestrians that the risk to the public outweighs the benefits to the public; or

v. Arterial streets where the installation of sidewalks is expressly prohibited by ordinance.

b. Where required, sidewalks shall be a minimum of five feet wide; shall be provided in required parkways; and shall be located entirely within the parkway. Sidewalks shall be installed on both sides of the arterial street right-of-way and shall be located adjacent to the property line and parallel to the curbline. A sidewalk shall be allowed to meander within the parkway to avoid

encroachments of street lights, traffic signs, neighborhood delivery collection box units, utility installations and other facilities.

c. Required sidewalks may be located adjacent to and parallel with the curbline, with no reduction in the parkway, when all of the following apply:

i. The sidewalk is a minimum of seven feet wide; and

ii. The sidewalk is wide enough to provide a minimum clear width of three feet at encroachments including street lights, traffic signs, traffic control devices, utility installations, or other facilities.

d. The sidewalk construction specifications shall be in accordance with the subdivision improvement design standards and Chapter 13.04 of the El Paso Municipal Code. Sidewalks shall be installed as provided in Chapter 19.28 of this title.

3. Accessible Passing Space. Where sidewalks are required, and a minimum clear width of less than five feet is provided, a passing space for accessibility shall be provided. A passing space shall be provided at reasonable intervals not to exceed two hundred feet. A one-foot by five-foot transfer point shall be provided along the sidewalk, and within the parkway, to accommodate the passing space. An intersection or a T intersection of two sidewalks or accessible routes, or an intersecting driveway, is an acceptable passing space provided that the cross slope of the accessible passing space surface is no greater than 1:50 (two percent slope).

4. Ramps. Any part of a sidewalk or accessible route with a slope greater than 1:20 (five percent slope) shall be considered a ramp, and shall be designed and constructed in accordance with the Texas Accessibility Standards.

G. Curb Ramps.

1. Curb ramps shall be provided within a street right-of-way wherever an accessible route for pedestrians (sidewalk or pedestrian way) is required. The design and construction of curb ramps shall be in accordance with the subdivision improvement design standards, and shall comply with the Texas Accessibility Standards.

a. Local Streets. One diagonal curb ramp (or corner type) shall be provided wherever an accessible route crosses a curb. Where a local street intersects an arterial street, the curb ramp requirement for an arterial street shall apply.

b. Arterial Streets. Two straight curb ramps shall be provided wherever an accessible route crosses a curb.

2. Whenever an accessible route crosses a raised median, the raised median shall be cut through level with the street, or shall have curb ramps at both median curbs plus a level area at least four feet long between the curb ramps in the median.

H. Medians.

1. Local Streets. Raised medians or flush medians with header curbing shall only be permitted within divided residential streets.

2. Arterial Streets.

a. Striped turning medians shall be required on minor arterial streets.

b. Raised medians shall be required on major and super arterial streets, except where median striping is approved by the deputy director for engineering.

3. Standards. Medians shall be located in the center of the street right-of-way. Design and construction of the median shall conform to the subdivision improvement design standards. Striped turning medians may be constructed of stamped pattern concrete, brick pavers, or other engraved concrete surfaces approved by the deputy director for engineering.

4. Median Striping. Median striping shall be furnished and installed by the subdivider and maintained by the traffic division of the engineering department. The subdivider shall be required to identify the median with permanent thermal-plastic markings, traffic buttons or other striping materials as approved by the traffic division of the engineering department. The median striping shall be installed in accordance with the subdivision improvement design standards.

5. Median Landscaping.

a. Landscaping shall be required to be provided by a subdivider within all medians, whether raised or flush with header curbing, and shall be installed in accordance with the standards for median landscaping set forth in Section 12.68.060.

b. Landscaping provided by a subdivider within a raised median or flush median with header curbing in a divided residential street or divided mountain residential street shall be maintained by the subdivider, a homeowner's association, or other similar entity, under an agreement recorded with the subdivision to insure the perpetual maintenance of the median. In all cases, the agreement shall be subject to the approval of the city attorney prior to recordation.

c. Landscaping provided by a subdivider within a raised median of a major or super arterial street shall be maintained by the city.

6. Median Openings. Median openings on arterial streets shall be permitted pursuant to the

Guidelines for Urban Major Street Design, from the Institute of Transportation Engineers, a copy of which is maintained by the deputy director for engineering.

I. Intersections. Proposed intersections shall be designed to meet the minimum spacing requirements, curb radii, and corner sight distances required in the subdivision improvement design standards, and based on the following design specifications:

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. No intersection shall be less than an included angle of seventy degrees and no more than one hundred ten degrees.

2. The right-of-way line at street intersections shall have a minimum radius of twenty feet.

3. Where parallel streets intersect another street, the centerline of those streets shall be offset a minimum of one hundred twenty feet. This offset shall not apply to minor arterial streets intersecting a higher order arterial if a raised median is provided and no median opening is aligned with or raised between the offset streets. Future median openings shall not be permitted where two minor arterial streets offset and intersect a major arterial street at a distance of less than one hundred twenty feet; provided, however, median openings may be allowed for one-way traffic circulation subject to the approval of the deputy director for engineering.

J. Acceleration/Deceleration Lanes.

1. Acceleration/deceleration lanes shall be provided along existing and proposed minor, major and super arterial streets when required by the city plan commission based upon findings of a traffic impact study and recommendations of the deputy director for engineering.

2. The acceleration/deceleration lane width shall be equal to the width of the adjacent driving lane in accordance with the appropriate street classification.

3. The minimum acceleration/deceleration lane length shall comply with the design standards found in A Policy on Geometric Design of Highways and Streets, from the American Association of State Highway and Transportation Officials (AASHTO), and subject to the approval of the deputy director for engineering. A copy of the design standards is maintained by the deputy director for engineering.

K. Driveways. Driveways shall be permitted on local and arterial streets and shall conform to the requirements of Chapter 13.12.

L. Bike Lanes. Where bike lanes are required within an arterial street, the bike lane shall be improved to the same pavement requirements as the arterial street roadway. The subdivider shall be required to furnish and install the bike lane. Lane markings shall be installed by the streets department at no cost to the subdivider. The bike lanes shall be identified with permanent thermal-plastic lane markings or other permanent striping materials, in accordance with the subdivision improvement design standards.

M. Signage and Signalization.

1. Signage. The subdivider shall pay all costs for providing traffic control signs on local street classifications which are necessitated by and attributable to the proposed development, and which are required by the city. Costs for traffic control signs on arterial street classifications shall be borne by the city. All traffic control signs shall be furnished and installed by the city.

2. Signalization.

a. The subdivider shall pay all costs for providing a traffic signalization system, including devices, conduits, wiring, junction boxes, etc., which is necessitated by and attributable to the proposed development, and which is required by the city. Traffic signalization shall be furnished and installed by the streets department.

b. Where a traffic signalization system is required as part of a proposed development, a special fund for the deposit of all sums received shall be established. The city shall have five years from the subdivision recordation to furnish and install the traffic signalization system. If funds are not spent within the five-year time period, the subdivider who provided the sums for providing a traffic signalization system shall, upon written request, be entitled to a full refund of monies paid within one hundred eighty days of the last day of the required period. The written request shall be submitted to the subdivision coordinator, accompanied with documentation demonstrating that the time period for expenditure of the sums received has expired, and that the traffic signalization system has not been furnished and installed by the city.

N. Cluster Parking. Whenever possible, cluster parking shall be encouraged as part of the subdivision design to alleviate on-street parking. All cluster parking areas shall be subject to the approval of the deputy director for engineering.

O. Traffic Impact Study.

1. A traffic impact study shall be required with the submission of a land study. The city plan commission may require a traffic impact study, where a land study is not required, when a determination is made based on one or more of the following:

- a. The location of the proposed development may affect the ability of the type of development to be satisfactorily accommodated; or
 - b. The projected level of service of the roadway system adjacent to the development will be significantly affected; or
 - c. The existence of traffic problems in the area of the proposed development; or
 - d. The ability of the existing or planned roadway system to handle the proposed development; or
 - e. Other specific problems or deficiencies that may be affected by the proposed development.
2. The traffic impact study shall be prepared in accordance with the Recommended Guidelines for Traffic Impact Studies, a copy of which is maintained by the deputy director for engineering.
- P. Vehicular Access.

1. Abutting Proposed Subdivision. The city plan commission shall, as part of a subdivision application review, make a determination on whether the existing vehicular access to the subdivision is capable of adequately supporting and servicing the physical area and designated intensity of the proposed subdivision, including vehicle trips generated, proposed utilization of property, and other relevant factors. Where a determination is made by the city plan commission that the existing vehicular access is inadequate to sustain the increased intensity of the proposed subdivision and will be detrimental to the public safety, the subdivision shall be disapproved. The determination made by the commission shall be based on findings of a traffic impact study prepared by the subdivider. Provided however, no traffic impact study and no city plan commission determination regarding access shall be required pursuant to this subsection when city council has taken action to require a lesser roadway width than that offered pursuant to either an accepted metes and bounds right-of-way dedication or approved developer participation contract. This exception shall apply to the number, location, and capacity of access to the subdivision as approved by the city council. Waiver of the requirement of a traffic impact study and city plan commission determination regarding access, shall only apply to the maximum allowable density of the subdivider's development area at the time of the acceptance of the metes and bounds right-of-way dedication or execution of the developer participation contract by city council. Any subsequent increase in density for the development area shall automatically trigger the requirements of this subsection as to the overall density for the development area. Notwithstanding any other conflicting provision of the El Paso Municipal Code concerning vehicular access, this exception, when in accordance with council action, will prevail.

2. Within Proposed Subdivision.

- a. All lots in a subdivision shall have access. The access shall be subject to review and approval by the city plan commission as to the number, location and capacity of such access.
- b. Whenever a street is required between two properties and one property owner does not contribute the prorata share of the required right-of-way, the entire right-of-way shall be provided by the other property owner. The noncontributing property owner shall be denied access unless waived by the contributing property owner. A note shall be placed on the face of the subdivision to this effect.

Q. Landlocking. Where a proposed subdivision will landlock adjacent properties, the proposed subdivision shall be designed so as to extend access to the boundary lines of the subdivision adjacent to the landlocked property. In cases where a landlocked condition exists on property prior to a subdivision application submittal, access to the adjoining landlocked properties shall not be required to be provided through the proposed subdivision, except where such street alignments are intended to be extended beyond the subdivision boundaries as provided on an approved land study or other city adopted proposal.

R. Street Improvements. Street improvements, such as road pavement, drainage improvements and structures, curbs, turnarounds, sidewalks, and other street design facilities, shall conform to the subdivision improvement design standards. Such proposed improvements shall be incorporated into the subdivision improvement plans required to be submitted by the subdivider. (Ord. 16685 § 1 (part), 2007; Ord. 16034 § 1, 2005; Ord. 13956 §§ 113, 114, 1999; Ord. 13907 §§ 26–39, 1998; Ord. 13648 § 1, 1998; Ord. 13111 § 1 (part), 1997)

19.16.030 Street lighting.

A. Requirement.

- 1. The subdivider shall furnish and install street lights along all public and private streets, whether within the corporate limits or within the extraterritorial jurisdiction. Such street lights shall comply with the city of El Paso lighting ordinance found at Chapter 18.18 of the El Paso Municipal Code. The following standards shall apply in determining the number of street lights required, and are

based on approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America, a copy of which is maintained by the city engineer:

Street Type	Required Spacing	Pole Type	Lamp Type	Height
Local streets	At intervals of not more than three hundred feet	Wood or Metal	100 watt high pressure sodium	30 feet
Collector arterials	At intervals of not more than three hundred feet	Wood or Metal	100 watt high pressure sodium	30 feet

2. The number of required street lights shall be equal to the total linear footage between street intersections divided by the required spacing. Fractions of street lights shall be rounded to the next whole number when the fractional amount is equal to or exceeds 0.50; fractional amounts less than 0.50 shall not require an additional street light.

3. Street lights shall be placed at approximately equal intervals between intersections and shall be subject to the approval of the city engineer.

4. Cobra head lamps with full cutoff, or an approved alternate, shall be provided on street lighting fixtures, except that other lamp types may be permitted where custom lighting is approved by the city engineer. However, all such lighting shall be compliant with the city of El Paso Outdoor Lighting Ordinance.

5. There shall be no requirement for street lighting on a collector arterial shown within the proposed subdivision if the street is serving nonresidential uses; provided, however, that the subdivider shall verify by means of deed restrictions or other legal instrument that the property is restricted for non-residential purposes.

B. Standards.

1. Where required, electrical service easements for overhead or underground electrical services shall be provided as a part of the subdivision approval. The service connections and street light poles shall be installed by the subdivider.

2. The subdivider shall install a one inch Schedule-40 PVC conduit from an approved power source to the site of each approved light pole for local and collector arterial streets. The conduit shall be placed a minimum of three feet below the final grade of the median, or the parkway when no median exists. The conduit shall be capped so as to prevent the intrusion of soil, water or other material. The location of the conduit shall be designated on the curb to facilitate locating the conduit when the pole is installed. Street lights shall be furnished and installed in accordance with the subdivision improvement design standards.

C. Illumination Plan. An illumination plan for all streets within the subdivision, pursuant to the requirements of this section, shall be filed, together with the subdivision improvement plans, as provided in Section 19.08.080. The plan shall show the proposed location of the street lights. The illumination plan shall be subject to the approval of the city engineer within the corporate limits, and of the county engineer within the extraterritorial jurisdiction.

D. City Acceptance of Street Lights.

1. The subdivider shall be responsible for the maintenance and associated cost of electrical energy of the street lights until such lights are accepted by the city or county for maintenance as provided in Section 19.36.010. The city or county shall accept the street lights for maintenance and electrical energy costs at the time it accepts the streets and other public improvements within the subdivision for maintenance.

2. Prior to the acceptance of the street lights for maintenance by the city or county, an amended illumination plan showing the final location of the street lights installed by the subdivider shall be submitted to the city engineer or county engineer.

F. Custom Lighting.

1. General Requirements.

a. The subdivider may elect to provide custom lighting in lieu of the required standard street lighting, subject to the approval of such lighting by the city engineer or county engineer. Custom lighting shall be furnished and installed to meet the approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America.

b. Where custom lighting is approved within the street right-of-way, the city or county shall be

liable for the costs of electrical energy of the custom lighting provided that the following conditions are met:

- i. A separate rate can be charged to the city or county by the electric utility for the custom lighting proposed; and
- ii. The total rate charged to the city or county is equal to or less than the rate for electrical energy for standard street lighting.
- c. If a subdivider elects to provide and install custom lighting, a homeowner's association (or other such private entity) shall be created which will be perpetually liable for all costs associated with the maintenance of the lighting fixtures. Where the city or county are not liable for the costs of electrical energy from the custom lighting as provided in this subsection, the homeowner's association shall also be liable for the electrical energy costs of the custom lighting.
- d. An agreement between the city or county and the homeowner's association shall be required which makes adequate provision to indemnify and hold the city or county harmless from any claims which may arise from the custom lighting, whether within or outside of the public right-of-way. The agreement shall provide that the city or county may require that any or all of the installed custom lights be removed, at the homeowner's association expense, when a finding is made by the city council or county commissioners' court based on a recommendation of the city engineer or county engineer that the custom lighting creates a nuisance or is unsafe. Upon such a finding, standard street lighting pursuant to this section shall be required to be furnished and installed to replace the custom lighting.

The city or county shall reserve the right to review and approve all such provisions of the agreement. The agreement shall accompany the subdivision improvement plan submission. Restrictive covenants which include the provisions for continuous lighting and perpetual maintenance of the custom street lights shall be recorded by the subdivider concurrently with the subdivision.

- e. Where custom lighting is provided, the subdivider or homeowner's association shall notify the electric utility before any work is commenced at any street light location.

2. Custom Street Lighting Placed Within the Street Right-of-Way. Custom street lighting placed within the street right-of-way, or within a public easement adjacent to the roadway, shall provide an average lumen level of at least 0.6 lumens. The roadway coverage area and intensity shall be at least the level provided by standard street lighting.

3. Custom Street Lighting Placed Outside of the Street Right-of-Way. Custom street lighting placed outside of the street right-of-way, and outside of a public easement adjacent to the roadway, shall provide an average lumen level of at least 0.6 lumens and a horizontal illumination at any point on the roadway of at least 0.4 lumens. (Ord. 16042 § 1, 2005)

19.16.040 Street names and addresses.

A. Street Names.

1. Requirement. Street names shall be subject to the approval of the director for subdivisions located within the corporate limits, or by the county engineer if within the extraterritorial jurisdiction, as part of the subdivision process. Subdivisions submitted as a preliminary plat shall indicate proposed street names for streets within the subdivision. The director or county engineer may review and accept, in accordance with these standards, any street name that is proposed. The director or county engineer, when requested by the subdivider, may originate street name(s) as needed. Approved street names shall be shown on the final plat of the subdivision.

2. Standards.

- a. Street names shall not conflict with or duplicate any existing street name within the city or county of El Paso. Conflict may be based on the following; close pronunciation to another street name, street name is too difficult to pronounce, street names with undesirable meanings or connotations, and street names with language translation problems.
- b. New streets which are extensions of, or obviously in alignment with, existing streets shall bear the name of the existing street.
- c. Cul-de-sac streets having six or more lots fronting on them, or that have more than one hundred fifty feet or more in length measured from the center line of the intersecting street to the center of the turnaround, shall have street names assigned to them. All other culs-de-sac, inlets or eyebrows shall carry the street name, suffix and house numbering sequence of the main street.
- d. Street names shall contain a maximum of thirteen letters and spaces, unless otherwise approved by the city plan commission.

- e. Street names shall not begin with initials.
- f. Street names shall contain suffixes according to the standards listed below, except that streets within the extraterritorial jurisdiction shall be provided a street name suffix of "road" except where otherwise approved by the county engineer:

General Direction of Street	Street Length 1,000° or	Street Length Less than
	More	1,000°
North and south	Street	Place
East and west	Avenue	Court
Diagonal	Drive	Way
Curving	Drive	Lane or Circle

- g. Arterials with a right-of-way width of one hundred forty feet or more, and frontage roads within a freeway right-of-way shall be assigned the suffix of boulevard.

B. Street Addresses.

- 1. Requirement. Street addresses shall be assigned by the director for subdivisions located within the corporate limits, or by the county engineer if within the extraterritorial jurisdiction, as part of the preliminary plat submittal. Street addresses shall be shown on the final plat of the subdivision.

2. Standards.

- a. Addresses on the north side of streets which are subdivided in a generally east-west direction shall have odd numbers assigned.
- b. Addresses on the south side of the street shall have even numbers assigned.
- c. Addresses on the west side of the street which are subdivided in a generally north-south direction shall have odd numbers assigned.
- d. Addresses on the east side of the street shall have even numbers assigned.
- e. Addresses shall be assigned numerically in intervals of four, except where otherwise approved by the director or county engineer.
- f. Culs-de-sac having less than six lots fronting on them, or less than one hundred fifty feet in length measured from the centerline of the intersecting street to the center of the turnaround, shall be assigned the same house numbering sequence as the main street.
- g. A property not requiring a subdivision shall have frontage on a dedicated public or private street before an official street address may be assigned to it.
- h. Assignment of addresses to corner lots within single-family residential subdivisions shall be determined by the location of the main entrance to the building; except that assignment of addresses to lots with nonresidential uses and having more than one street frontage shall be determined by the location of the main entrance to the building, unless otherwise requested by the property owner and approved by the director.
- i. Addresses shall not be assigned to landlocked or illegally subdivided properties.
- j. As adjacent territory is annexed into the city, the existing street names and addresses in the newly annexed areas shall be reviewed by the director and modified as necessary to eliminate duplication of street names already existing within the city, and to ensure that all addresses follow the numbering sequence existing in the city. (Ord. 13907 § 42, 1998; Ord. 13111 § 1 (part), 1997)

19.16.050 Stormwater design.

A. General Requirements. The subdivider shall provide for the design of stormwater management in the subdivision, and shall design and install all required stormwater management facilities. The stormwater management of the subdivision shall conform to an existing approved stormwater drainage master plan, when required by the development services director or designee, and drainage facilities shall conform to the subdivision improvement design standards. Required computations shall be prepared by an engineer and submitted with the drainage plans.

B. Accessibility to Public Storm Sewers. Public storm sewer systems shall be accessible for inspection and maintenance by the city.

C. Accommodation of Downstream Drainage Areas. Methods to mitigate adverse downstream drainage conditions created by the development of the subdivision shall be included in the subdivision plans.

D. Accommodation of Upstream Drainage Areas. Drainage facilities shall have enough capacity for potential runoff from upstream watershed drainage areas, whether inside or outside the subdivision. The size of the facility shall be based on the provisions of the subdivision improvement design standards, using conditions of maximum potential watershed development, and such calculation shall be subject to the approval of the development services director or designee.

E. Floodplain Areas.

1. Development in a floodplain shall be planned and constructed in accordance with Chapter 18.60.

2. Flood hazard boundaries and base flood elevations shall be shown on the subdivision improvement grading plan for areas located within the floodplain.

F. Area Subject to Flooding and Erosion. A subdivision located within a floodplain shall be accompanied with a grading plan, drainage shed control plan, and temporary and permanent erosion control plans.

1. Grading Plan.

a. A grading plan shall include existing and proposed contours and each lot shall include the finished floor and finished grade elevation.

b. A master grading plan shall be submitted where the subdivision is phased or built in multiple units, and shall include the existing and proposed contours without finished floors and finished grade elevations.

c. Proposed grading shall not have an adverse impact on surrounding property.

d. Grading shall conform to the requirements of Chapter 18.44.

2. Drainage Shed Control Plan. A drainage shed control plan shall include all of the following:

a. Calculations based on a design storm of one hundred years for drainage basins and fifty years for streets, channels and underground storm sewer systems;

b. Proposed drainage improvements that are compatible with existing upstream and downstream drainage conditions;

c. Proposed method of mitigating increased developed peak runoff flow for streets and peak volume of runoff for ponding areas;

d. Limits of contributing watershed areas within and upstream of the subdivision;

e. Calculation table depicting watershed areas, flows and capacities of existing and proposed storm sewer structures;

f. Proposed drainage flow patterns; including high and low points;

g. Location of existing and proposed drainage systems.

3. Temporary and Permanent Erosion Control Plan. The design location and installation of erosion control elements shall be in accordance with the subdivision improvement design standards.

G. Provision of Drainage Easements. When a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided either a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as approved by the development services director or designee. All existing and proposed drainage easements and rights-of-way shall be shown on the plat.

When a proposed drainage system routes stormwater across private land outside the subdivision, appropriate drainage rights shall be secured by the subdivider and indicated on the plat.

H. Preservation of Natural Arroyos. Arroyos shall be preserved in their natural state, except that a modification of such requirement may be granted by the city plan commission provided such modification both meets the requirements of Section 19.04.170 and is necessary to protect the public health, safety or welfare. If a modification is authorized to allow improvements, the design for such improvements shall be incorporated into the subdivision improvement plans and approved by the floodplain administrator. As part of initial review of a subdivision application prior to acceptance as complete, the floodplain administrator shall determine the area within which improvements will require modification. The floodplain administrator's determination shall be forwarded to the applicant and city plan commission, which shall decide on any modification requested by the applicant. (Ord. 16685 § 1 (part), 2007; Ord. 16446 § 1, 2006; Ord. 16048 § 1, 2005; Ord. 13956 §§ 116–118, 1999; Ord. 13111 § 1 (part), 1997)

19.16.060 Residential on-site ponding.

Where residential on-site ponding is proposed, it shall comply with the following provisions:

- A. Design, calculations and installations shall be subject to the approval of the development services director or designee.
- B. Residential on-site ponding shall be permitted on individual lots where feasible based on the stormwater hydraulic calculations.
- C. To establish the feasibility of residential on-site ponding, the subdivider shall submit hydraulic calculations prepared by an engineer. Such calculations shall meet the following minimum criteria:
1. Drainage calculations shall be based upon percolation tests performed within six months of the date of submission;
 2. Drainage calculations shall be provided for the smallest lot in the subdivision and shall be made in accordance with the subdivision improvement design standards;
 3. All ponded water shall have the ability to percolate within a seventy-two hour time period following storm;
 4. The maximum depth of lot ponding shall be twelve inches based on a one hundred year storm;
 5. The maximum side slope for ponding areas shall be one (vertical) to three (horizontal);
 6. All lots shall be designed to accommodate the street runoff; and
 7. A minimum crown of two percent shall be provided for all streets within the subdivision.
- D. Where residential on-site ponding is determined to be unfeasible either surface drainage or ponding in a common retention pond shall be required.
- E. Permanent elevation markers shall be installed to define the levels to be maintained to ensure the effectiveness of on-site ponding on all residential lots having one-half acre lot size or greater, and shall be in accordance with the subdivision improvement design standards.
- F. Permanent elevation markers shall not be moved, covered or altered without written permission from the development services director or designee.
- G. Filling or changing the lot, or allowing the lot to be filled or changed to an elevation greater than established by the permanent elevation markers, is prohibited.
- H. The city shall be granted permanent right of access to inspect the lot elevation and the permanent elevation markers.
- I. No person shall be permitted to impair the functionality of a residential on-site pond. No more than fifty percent of the area of any residential lot conveyed by deed shall be covered by improvements, either temporary or permanent, which shed stormwater, including but not limited to, buildings, driveways, patios or landscaping underlaid with plastic sheeting or other impermeable material.
- J. In the event that the functionality of a residential on-site pond becomes impaired whether by act of man or of nature, the owner of the lot on which the impaired pond is located shall perform all corrective actions required to restore that functionality.
- K. Any owner notified in writing by the development services director or designee of corrective actions required to restore the functionality of a residential on-site pond shall comply within forty-five calendar days of receipt of such notice; provided, however, that nothing herein shall prevent the city from mandating an earlier time for commencement or completion, during times of emergency, where there is imminent danger of loss of life, limb or property.
- L. The subdivider shall impose deed restrictions running with the land for those residential lots utilizing on-site ponding. Such restrictions shall be submitted to the development services director or designee for approval of technical content and to the city attorney for approval of form and legal content. These restrictions shall, as a minimum, include the following provisions:
1. Identify residential lots which are subject to on-site ponding and the maximum depth of water in the ponding area after a design magnitude storm;
 2. A statement that permanent elevation markers shall be placed prior to building occupancy;
 3. A statement prohibiting the moving, covering or altering of permanent elevation markers and prohibiting the filling or changing of the elevation of the lot or the pond;
 4. A provision granting the city permanent right of access to inspect the ponding area and the permanent elevation markers;
 5. A statement prohibiting the impairment of the residential on-site ponding;
 6. A requirement that the owner restore the residential on-site ponding functionality of the lot in the event it is impaired;
 7. A restriction that no more than fifty percent of the area of the residential lot conveyed by the deed may ever be covered by improvements of any kind, either temporary or permanent, which will shed stormwaters onto the lot;
 8. A requirement that the owner of property utilizing residential on-site ponding waives any claim or cause of action against the city, officials or employees, for any death, injury or property damage resulting from alteration of the ponding capacity for that lot;

9. A requirement that the owner of property utilizing residential on-site ponding shall correct any drainage problem on the lot within forty-five calendar days of the receipt of such notice;
10. A requirement that deed restrictions shall be enforced by injunctive relief without the requirement for bond or other security;
11. A requirement that the conveyance of property permitting residential on-site ponding shall declare in conspicuous language in the deed that the property is subject to on-site ponding requirements, maintenance of elevation markers, standing water on lot, ingress and egress for inspection, and all other restrictions set forth in this title. (Ord. 16685 § 1 (part), 2007; Ord. 13956 §§ 119–122, 1999; Ord. 13111 § 1 (part), 1997)

19.16.070 Water and wastewater services.

A. Water Service.

1. The subdivider shall furnish and install a potable water supply and distribution system capable of providing for the complete water use needs of the subdivision, including fire protection if required.
2. Within the corporate limits and the extraterritorial jurisdiction (ETJ) the subdivider shall make application to the El Paso water utilities for water service prior to filing an application for subdivision approval. The El Paso water utilities shall act upon the water application within sixty days of the receipt of the completed application.
3. Within the corporate limits, the subdivider shall provide water service through the public water system. Within the corporate limits, if the El Paso water utilities determines that public water service can be provided to the subdivision within twelve months from the date of its action on the water application, the subdivider shall provide water service through the public water system. Within the extraterritorial jurisdiction, if the El Paso water utilities determines that public water service cannot be provided within twelve months from the date of its action on the water application, the subdivider may provide water service through a private water system subject to the requirements of Chapter 19.24.
4. Water service systems and facilities shall be designed and installed in accordance with the requirements of this title, the Texas Commission on Environmental Quality (TCEQ) requirements and other applicable ordinances.

B. Wastewater Service.

1. The subdivider shall furnish and install a wastewater collection system capable of providing for the removal of all wastewater generated by the subdivision.
2. Within the corporate limits and the extraterritorial jurisdiction (ETJ) the subdivider shall make application to the El Paso water utilities for wastewater collection service prior to filing an application for subdivision approval. The El Paso water utilities shall act upon the wastewater application within sixty days of the receipt of the completed application.
3. Within the corporate limits, the subdivider shall provide wastewater service through the public wastewater collection system. Within the corporate limits, if the El Paso water utilities determines that public wastewater service can be provided to the subdivision within twelve months from the date of its action on the wastewater application, the subdivider shall provide wastewater service through the public wastewater collection system. Within the extraterritorial jurisdiction, if the El Paso water utilities determines that public wastewater service cannot be provided within twelve months from the date of its action on the wastewater application, the subdivider may provide wastewater service through a private wastewater collection system subject to the requirements of Chapter 19.24 of this title.
4. Wastewater collection systems and facilities shall be designed and installed in accordance with the requirements of this chapter, the Texas Commission on Environmental Quality (TCEQ) requirements and other applicable ordinances. (Ord. 16816 § 2 (part), 2008; Ord. 13111 § 1 (part), 1997)

19.16.080 Lots.

- A. Lot Arrangement.** Lots shall be arranged to comply with applicable codes and regulations of the city; to provide access to lots from approved streets; and to avoid foreseeable difficulties due to topography or other conditions inherent to the property.
- B. Lot Area and Dimensions.** The minimum area and dimensions of lots shall conform to the requirements of the El Paso zoning ordinance for the district in which the subdivision is located or

of Section 19.24.030 of this title.

C. Lot Orientation.

1. All lots shall have frontage. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.

2. No residential lot frontage shall be allowed on arterial streets, except where the proposed subdivision meets one or more of the following criteria as determined by the city plan commission:

a. Where residential lot frontage is provided from an arterial street on an adjoining property, and the city plan commission determines that a public benefit would result from permitting the proposed development to be similarly designed; or

b. Where the only street frontage which may be provided to the residential lots is from an arterial street due to the shape, topography or other physical condition of the property; or

c. Where otherwise modified by the city plan commission as provided in Section 19.04.170 of this title.

3. Where residential lot frontage is permitted on an arterial street, the lot(s) shall be designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the arterial street.

D. Double Frontage Lots. Double frontage lots shall be permitted when the city plan commission finds that a double frontage lot is necessary: to arterial street; or to overcome specific disadvantages of topography and orientation; or to allow single-loaded lots fronting on two local streets. The city plan commission may require that a parkway at the rear of a double frontage lot be landscaped or other aesthetic treatment be provided by the subdivider, subject to the approval of the development services director or designee, to provide a visual separation between the development and the street. Where double frontage lots on arterial streets are approved by the city plan commission, the subdivider shall submit a document releasing vehicular access rights to the rear of the double frontage lots. The document releasing such vehicular access rights shall be in a form acceptable to the city attorney, and shall be recorded in the office of the county clerk simultaneously with the subdivision. A sample document releasing access rights may be found in Appendix O, on file in the planning department. An information note, indicating the release of vehicular access right shall be placed on the face of the recording plat.

E. Corner Lots.

1. In a residential development, vehicular access shall be prohibited from arterial streets abutting a corner lot, unless the only access is from an arterial street, in which case, vehicular access shall be allowed from only one arterial street.

2. Where vehicular access to a corner lot is permitted on arterial streets as provided in Section 19.20.060(E)(1), the subdivider shall provide a document releasing vehicular access rights to one of the arterial streets. The document releasing vehicular access rights shall be in a form acceptable to the city attorney, and shall be recorded in the office of the county clerk simultaneously with the subdivision. A sample document releasing access rights may be found in Appendix O, on file in the planning department. An information note, indicating the release of vehicular access rights, shall be placed on the face of the recording plat.

F. Panhandle Lots. Panhandle lots shall conform to the subdivision improvement design standards, and shall be based on the following design requirements.

1. **Residential Uses.** The maximum length of the panhandle shall be two hundred feet. The minimum width of the panhandle shall be twelve feet to serve one dwelling unit. A maximum of four dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the panhandle is twenty-four feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.

2. **Nonresidential Uses.** The minimum width of the panhandle shall be twenty-five feet. In case of joint use, the minimum cumulative width of the panhandle shall be thirty-five feet. Maintenance of the common driveway, in cases of joint use, shall be assured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.

G. Miscellaneous.

1. No remnants of land shall be allowed in the subdivision which do not conform to the lot requirements of the El Paso zoning ordinance, except where proposed easements, rights-of-way or open space areas are approved by the city plan commission.

2. A lot shall not be divided by the corporate limits boundary, state line, or by another lot, street or alley or any other property.

3. No portion of land outside of the corporate limits or extraterritorial jurisdiction shall be included in any subdivision. (Ord. 16685 § 1 (part), 2007; Ord. 13956 § 123, 1999; Ord. 13907 § 43, 1998;

Ord. 13111 § 1 (part), 1997)

19.16.090 Blocks.

A. General. The lengths, widths and shapes of blocks shall be appropriate for the type of development contemplated; the need for convenient access, circulation, control and safety of street traffic; and the limitations and opportunities of topography. Blocks designed for commercial and industrial uses shall be of such length and width as may be determined suitable by the city plan commission for prospective use.

B. Length. Block lengths in residential developments shall not exceed one thousand five hundred feet between intersections; provided, however, where topography or other unusual or special conditions require longer blocks, the city plan commission may modify this requirement. Where the city plan commission modified the block length, the commission may require the dedication of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. (Ord. 13111 § 1 (part), 1997)

19.16.100 Fire hydrants.

The subdivider shall furnish and install fire hydrants in accordance with Chapter 9.52, which shall be subject to the approval of the fire chief of the city. (Ord. 13111 § 1 (part), 1997)

19.16.110 Utilities.

A. General Provisions.

1. Utilities shall include water, wastewater, natural gas, electric, cable television, telephone and other public utilities.
2. All utilities shall be located underground in any new residential subdivision.
3. Within nonresidential subdivisions, utilities shall be located underground whenever adjacent to existing residential uses or residentially zoned property, unless such adjacent property has overhead utility lines.
4. Underground utilities may be buried in dedicated easements or in rights-of-way.

B. Placement.

1. The placement and separation of the various utilities within an easement or right-of-way shall conform to the subdivision improvement design standards. The placement and separation of water and wastewater utilities shall also conform to the requirements of the Texas Commission on Environmental Quality (TCEQ).
2. If a water or wastewater main is to be placed in a shared easement, the location of such main in relation to the other utilities shall be coordinated with the affected utility agencies. (Ord. 16816 § 2 (part), 2008; Ord. 13907 § 44, 1998; Ord. 13111 § 1 (part), 1997)

19.16.120 Easements.

A. General Provisions. The subdivider shall dedicate easements to the public that will allow every lot within the subdivision to have access to all essential utilities.

B. Location and Widths. Easements shall be of adequate width and location to accommodate all needed utilities.

C. Maintenance. Maintenance of the surface of an easement shall be the responsibility of the owner of the property. No permanent structure or building shall be constructed on, over, across or to otherwise obstruct or block an easement, except for secondary elements such as but not limited to, landscaping, neighborhood delivery and collection box units, mail boxes, hard surface material and fences. A utility performing maintenance on facilities within an easement shall restore the surface to the previously existing condition. (Ord. 13111 § 1 (part), 1997)

19.16.130 Postal delivery service.

El Paso, and is recommended by the city plan commission, the subdivider shall coordinate with the city to locate and acquire the land for the facility. (Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS**Chapter 19.20 MOUNTAIN DEVELOPMENT AREA (MDA) STANDARDS**19.20.010 Applicability.19.20.020 Procedure and requirements.19.20.030 Development standards.19.20.040 Reports required.**19.20.010 Applicability.**

A. General Provisions. A filed subdivision application, or any portion thereof, which incorporates land located within the mountain development area shall be subject to the regulations contained within this title except as modified by this chapter. To the extent that there is any conflict between any of the standards provided elsewhere in this title and the standards contained in this chapter, the standards contained in this chapter shall control with respect to the mountain development area.

B. Mountain Development Area Defined. Property located within the area described as follows shall be within the mountain development area:

Beginning at a point common to Sections 3, 4 and 7, Block 81, Tsp. 2, T & P RR Co. Surveys, and the northwest corner of Park Foothills Unit Six Subdivision;

Thence, southerly along the east line of Section 7, Block 81, Tsp. 2, T & P RR Co. Surveys a distance of 3,330 more or less to the north right-of-way line of Zircon Drive;

Thence, west along the north right-of-way line of Zircon Drive a distance of 1,450 feet more or less to the west right-of-way line of Mountain View Drive;

Thence, south along the west right-of-way line of Mountain View Drive a distance of 1,170 more or less to the north line of High Point Unit One Subdivision;

Thence, westerly and southerly along the boundary of High Point Unit One to the North boundary of Lot 20, Block 3, Park North Unit Four;

Thence, westerly, northerly, westerly, southerly, westerly and southerly direction of Park North Unit Four, Unit Two and Unit Three to the southwest corner of Lot 2, Block 4, Park North Unit Three;

Thence, southeasterly along the westernmost survey line of Tracts 2H and 14L, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys to a point, said point being the northeast corner of Tract 6, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, southerly along the eastern boundary of Tract 6, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys to a point, said point being the southeast corner of Tract 6, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, westerly along the south line of Tract 6, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys to a point, said point being the westernmost corner of Tract 14M, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, southerly along the west boundary of Tract 14M, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys to a point, said point being the southwestern corner of said tract;

Thence, easterly along the southern boundary of Tract 14M, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys to a point, said point being the northwestern corner of tract 14M, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, southerly along the western tract line of Tract 14M, Section 14, Block 81, Tsp. 2, T & P

RR Co. Surveys to a point, said point being the Southwestern corner of said tract;

Thence, in an easterly direction along the southern survey line of Tracts 14M and 14N, Section 14, Block 81, Tsp. 2, T & P RR Co. Surveys, respectively, to a point of intersection with the western boundary of Mountain Park Subdivision;

Thence, southeasterly along the west boundary line of Mountain Park Subdivision to a point on the south right-of-way line of Bandelier Drive;

Thence, easterly along the said right-of-way line to a point of intersection with the west right-of-way line of Big Bend Drive;

Thence, southeasterly along the aforementioned drive to a point marking the northwestern corner of Lot 10, Block 2, Replat "A," Unit One, Mountainside Subdivision;

Thence, southwesterly, northwesterly, southerly, southeasterly and southerly along Lot 10 and I 1, Block 2, Mountainside Unit One, Replat "A" to the southerly right-of-way line of Stoney Hill Drive;

Thence, easterly along the south line of Lot 1, Block 3, of said Mountainside Unit One Replat "A" to the northwest corner of Lot 75, Block 1, Mountain Ridge Estates Subdivision;

Thence, southerly along the westerly line of Lot 75, 44 to 29 and Lot 76, Block 1, Mountain Ridge Estates Subdivision to the southwest corner of said aforementioned Lot 76;

Thence, easterly along the common boundary of Mountain Ridge Estates Subdivision and the north line of Section 15, Block 81, Tsp. 2, T & P RR Co. Surveys to a point of intersection with the west right-of-way line of Alabama Drive;

Thence, southerly along the westerly right-of-way line of Alabama Drive to the north line of Tract 8, Section 15, Block 81, Tsp. 2, Texas and Pacific Railway Surveys;

Thence, westerly, southerly, easterly, southeasterly and northeasterly along Tracts 8, 1B and 9, Section 15, Block 81, Tsp 2, Texas and Pacific Railway Surveys, to the westerly boundary of Vista de los Huecos Subdivision;

Thence, south, east and north along the perimeter of Vista de los Huecos Subdivision to the westerly right-of-way line of Alabama Drive;

Thence, continuing southerly along the westerly right-of-way line of Alabama Drive to the southeast corner of Block 92A, Hollywood Heights Addition;

Thence, west, south and east along a common line to the following: the vacated portion of Thomason Avenue and Block 92A, Justus Avenue and Blocks 91B, 91A, 90B, 90A, and of McConnell Avenue and Block 90A, of Hollywood Heights Addition to the westerly right-of-way line of Alabama Drive;

Thence, southerly along the meandering westerly right-of-way line of Alabama Drive to a point, said point being the southeast corner of Tract 2D, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, northerly along the eastern tract line of Tract 2D, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys to a point of intersection with the north survey line of Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys, said point also being the northeast corner of Tract 2D;

Thence, westerly along the northern tract line of said tract to a point, said point being the northwest corner of Tract 2D, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, southwesterly along the westerly tract line of Tract 2D, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys to the southwest corner of said tract;

Thence, continuing in a southwesterly direction, traversing Tract 2E4, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys and McKelligon Canyon Road to a point on the south right-of-way line of Davis-Seamon Road, said point also being the northernmost corner of Tract I B 1, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, northwesterly along the south right-of-way line of Davis-Seamon Road to a point of intersection with the west survey line of Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, southerly along the west survey line of said section to a point, said point being the common corner of the southeast and northeast corners of Tracts 1 and 2, respectively, of the Eli Nations Survey No. 27 1;

Thence, westerly along a line common to Tracts 1 and 2, Eli Nations Survey No. 271; a distance of 814.40 feet more or less;

Thence, southerly through Tract 2, Eli Nations Survey No. 271, a distance of 3,709.40 to a common point to the southwest corner of Tract 2 and the northwest corner of Tract 3, Eli Nations Survey No. 271;

Thence, southeasterly a distance of 1,120.50 feet more or less to the southwest corner of Tract 1, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys;

Thence, easterly along the southern boundary line of Tract 11, Section 22, Block 81, Tsp. 2, T & P RR Co. Surveys to a point, said point being the southeast corner of said Tract;

Thence, southerly along the western boundary of Block 7, Rosemont Subdivision Replat to a point of intersection with the southern right-of-way line of McKinley Avenue;

Thence, southeasterly along the southern right-of-way line of McKinley Avenue to a point, said point being the northeastern corner of Block 11, Rosemont Subdivision, and the intersection of McKinley Avenue and the west right-of-way line of Branner Drive;

Thence, in a southerly direction along the western right-of-way line of Branner Drive to a point, said point being the southeast corner of Block 13, Rosemont Subdivision and the intersecting point with the northerly right-of-way line of Nations Avenue;

Thence, easterly along the north right-of-way line of Nations Avenue to the southeast corner of Lot 3, Block 12, Rosemont Addition;

Thence, southwesterly, southerly and easterly across Nations Avenue and the westerly line of lots 11 to 5, and a line common to Lots 46 and 4 to 1, Block 14, Rosemont Addition to the westerly right-of-way line of Nebraska Drive;

Thence, southerly along the western right-of-way line of Nebraska Drive to the north right-of-way line of Fort Boulevard;

Thence, easterly along the north right-of-way line of Fort Boulevard to the western right-of-way line of Oklahoma Street;

Thence, southerly along the west right-of-way line of Oklahoma Street to the southeast corner of Tract 1A, Pierce, Allen & Savage Survey No. 64;

Thence, westerly along the southern boundary line of said Tract 1A to a point, said point being the southwest corner of said Tract 1A;

Thence, in a southern and eastern direction along the boundary lines of Red Rock Canyon Subdivision to a point, said point being the southeastern corner of said subdivision, and the northeast corner of Tract 5, Pierce, Allen & Savage Survey No. 64;

Thence, in a southerly direction along the eastern boundary line of Tract 5, Pierce, Allen and Savage Survey No. 64 to a point, said point being the northwesternmost corner of Mayfield Heights Subdivision;

Thence, southerly along the western boundary of said subdivision to a point common to the northwest and southwest corners of Lots 1 and 2, respectively, of Mayfield Heights Addition;

Thence, North 90°00'00" West a distance of 656.88 feet to a point on the westerly boundary of the Pierce, Allen & Salvage Survey No. 64;

Thence, southerly along the said westerly boundary a distance of 384.75 feet to a point;

Thence, South 90°00'00" East a distance of 553.61 feet to a point on the west on the west boundary line of High Rolls Subdivision;

Thence, southerly and meandering along the western boundary line of High Rolls Subdivision to a point of intersection with the northern right-of-way of Scenic Drive;

Thence, southwesterly along the northern right-of-way line of Scenic Drive to a point of intersection with the extension of the Idaho Street eastern right-of-way line;

Thence, in a southern direction along the Idaho Street eastern right-of-way line to a point, said point being the northwestern corner of Block 29, Highland Park Subdivision;

Thence, in a southwesterly direction to a point, said point being the northwesterly corner of Block 19, Highland Park Subdivision;

Thence, southerly along the east right-of-way line of Colorado Street to the southwest corner of Lot 32, Block 19, Highland Park Addition, same being the north right-of-way line of a 20 foot alley;

Thence, across Colorado Street to the east line of the H. F. Fisher Survey 293, said being 385 feet more or less north of the northeasterly right-of-way line of Murchison Avenue;

Thence, through a portion of Tract 34, H.F. Fisher Survey 293, same being a boundary of Zoning Ordinance No. 6368, southwesterly and southeasterly to the north right-of-way line of Murchison Drive;

Thence, southwesterly and westerly along the aforementioned northerly right-of-way line to the southeast corner of Lot 4, Block II, Unit 7, Richmar Subdivision;

Thence, generally north and northwesterly along Lots 4, 2, 1, Block 11 and a portion of Gurs Place, and the east line of a 10 foot drainage right-of-way to the southeast corner of Lot 16, Block 6, Unit 4, Richmar Subdivision;

Thence, northwesterly along the east line of Lot 16, Block 6, Unit 4, Richmar Subdivision and Tract 14 of H. F. Fisher Survey No. 293 to a point, said point being the northeast corner of Tract 14, H. F. Fisher Survey No. 293;

Thence, westerly along the northern line of Tract 14, H. F. Fisher Survey No. 293 to the northwest corner of same;

Thence, northeasterly along Lots 5 and 4, Block 1, Scenic View Estates Subdivision to the southerly right-of-way line of Scenic Drive;

Thence, northwesterly, meandering along the south right-of-way line of Scenic Drive to a point opposite the southeast corner of Lot 11, Block 1, La Campana Antigua Subdivision;

Thence, northerly across Scenic Drive and southwesterly along the eastern and northern boundary of La Campana Antigua Subdivision to a point, said point being the northwest corner of Lot 3, Block 1, La Campana Antigua Subdivision; same being the northeast right-of-way line of Robinson Avenue;

Thence, northwesterly and southwesterly along the northern right-of-way line of Robinson Avenue to the northerly right-of-way line of Kingery Drive (private street);

Thence, northwesterly along the northerly right-of-way line of Kingery Drive (private street) to a common line to the H.F. Fisher Survey 293 and Los Compadres Subdivision;

Thence, north, northwesterly, southwesterly, northwesterly and southwesterly to a common corner to Lot 4, Block 1, Los Compadres Subdivision; and Lot G, Block 1, Los Compadres Canyon Replat A (Correction Plat);

Thence, southwesterly and northwesterly along the eastline of Lot G, Block 1, Los Compadres Canyon Replat A (Correction Plat) to the southeasterly corner of Block C of open space, Sierra Crest Subdivision;

Thence, northerly and northwesterly along the east boundary of Sierra Crest Subdivision to a point marking the northeast corner of said subdivision and the southern survey boundary line of the Noyes Rand Survey No. 131;

Thence, westerly along the common line of the north line of Sierra Crest Subdivision and the south survey line of the Noyes Rand Survey No. 131 to a point being the northwest corner of Replat B, Sierra Crest Subdivision;

Thence, southeasterly along the zigzag west boundary line of Sierra Crest Subdivision to a point of intersection with the southwesternmost corner of Block F (common open space);

Thence, south 02°25'56" East, a distance of 299.06 feet, along a line extended from the said southwesternmost corner of Block F to the northwesterly corner of Block A (common open space);

Thence, continuing southeasterly along the zigzag west boundary line of Block A, Sierra Crest Subdivision, to a point of intersection with a line bearing south 5 8° 31' West, said line being the northcentral boundary line of the tract of land platted as "City Reservoir Site and Councilmen's Park" between Blocks 104 and 109, Kern Place Addition;

Thence, southwesterly along the said boundary line to a point of intersection with the easterly right-of-way line of the alley adjacent to Block 109, Kern Place Addition;

Thence, northwesterly along the eastern right-of-way of the said alley of Blocks 109 and 110 of

said subdivision to a point, said point being the point of intersection with the southern boundary line of Piedmont Reservoir;

Thence, southwesterly along the southern boundary line of Piedmont Reservoir to a point of intersection with the easterly right-of-way line of Piedmont Drive;

Thence, northerly on the easterly right-of-way line of Piedmont Drive to its termination;

Thence, northeasterly along the easterly boundary of Villa Roja Unit One and Unit Two Subdivisions to the southeast corner of Lot 2A, Block 23, Mission Hills Addition;

Thence, along the zigzag eastern and northern boundary lines of Mission Hills Addition to a point on the easterly right-of-way of Stanton Drive, said point also being the northwest corner of Block 29, Mission Hills Subdivision;

Thence, northeasterly along the easterly right-of-way line of Stanton Drive to the south line of Camelot Heights Addition;

Thence, southeasterly and northeasterly around Tract 8, Camelot Heights Subdivision to the south line of an El Paso Electric Company easement;

Thence, southeasterly along the said south line to a point of intersection with the east line of the F.W. Brown Survey No. 224;

Thence, in a northerly direction along the east line of F. W. Brown Survey No. 224 to its northwest corner;

Thence, in a westerly direction along the north line of the aforementioned survey to its northwest corner;

Thence, in a southerly direction along the west line of the F. W. Brown Survey No. 224 to the C.M. Newman Survey No. 219's northeast corner; Thence, in a westerly direction along the north line of Survey No. 219 to its intersection with the southwest corner of the E. D. Strong Survey No. 217;

Thence, in a northerly direction along the survey line common to the E. D. Strong Survey No. 217, H. G. Foster Survey No. 261, and the A. F. Miller Survey No. 216 to the northeast corner of the A. F. Miller Survey No. 216;

Thence, in a westerly direction along the north line of said survey to a point that is the southeast corner of the H. G. Foster Survey No. 259;

Thence, in a northerly direction along the survey line that is common to the H. G. Foster Survey No. 259 and H. G. Foster Survey No. 260, to the northeast corner of the H. G. Foster Survey No. 259;

Thence, in a westerly direction along the north line of said survey to a point of intersection with the southeast corner of Unit 9, Coronado Country Club Estates Subdivision;

Thence, northerly, northwesterly and westerly along the eastern and northern boundary line of Unit 9, Coronado Club Estates to a point of intersection with the west line of the A.G. McMath Survey No. 298;

Thence, in a northerly direction along the said west boundary line to the northeast corner of the H.G. Foster Survey No. 258;

Thence, in a westerly direction along the north line of said survey to a point, said point also being the southeast corner of the H. G. Foster Survey No. 262;

Thence, in a northerly direction along the east line of the H. G. Foster Survey No. 262 to its northeast corner;

Thence, westerly along the north line of said survey to a point of intersection marking the southeast corner of the S. J. Larkin Survey No. 266;

Thence, northerly along the east line of said survey to its northeast corner;

Thence, westerly along the north line of S. J. Larkin Survey No. 266 to a point common to the southeast corner of the S. J. Larkin Survey No. 267, and the southwest corner of the S. J. Larkin Survey No. 268;

Thence, northerly along a line common to the S. J. Larkin Survey Nos. 267 and 268 a distance 5,269 feet more or less a common survey corner to S. J. Larkin Survey Nos. 267, 268, 269 and

Thence, easterly along the said state boundary line along the northern survey lines of the C. A.

Mundy Survey No. 25 1; Section 1, Block 82, Tsp. 1; Sections 6, 5 and 4, Block 81, Tsp. 1, T & P RR Co. Surveys, respectively, to a point being the northeast corner of Section 4, Block 81, Tsp. 1, T & P RR Co. Surveys;

Thence, southerly along the east survey line of Sections 4 and 9, Block 81, Tsp. 1, T & P RR Co. Surveys, respectively, to a point marking the southeast corner of Section 9, Block 81, Tsp. 1, T & P RR Co. Surveys;

Thence, easterly along the north line of Section 16, Block 81, Tsp. 1, T & P RR Co. Surveys to its northeast corner;

Thence, southerly along a line common to Sections 15, 16, 17 and 18, Block 81, Tsp. 1, T & P RR Co. Surveys to a common corner to said Sections 17 and 18, Block 81;

Thence, continuing southerly along a line common to Sections 23 and 24, Block 81, Tsp. 1, T & P RR Co. Surveys, a distance of 2,600 feet more or less;

Thence, easterly through Section 23, Block 81, Tsp. 1, T & P RR Co. Surveys a distance of 2,600 feet more or less;

Thence, southerly through Sections 23, 26 and 31, Block 81, Tsp. 1, T&P RR Co. Surveys to P. T. Station 603 + 26.36 of the right-of-way plans of Trans-Mountain Road (Loop 375) being at a perpendicular and 500 feet from the centerline of same;

Thence, southeasterly, parallel and 500 feet from the centerline of Trans-Mountain Road (Loop 375) to P. C. Station 627 + 0.46 of the right-of-way plans of Trans-Mountain Road (Loop 375);

Thence, southwesterly at a perpendicular to Trans-Mountain Road (Loop 375), a distance of 500 feet to the centerline of same;

Thence, continuing southwesterly at a perpendicular to Trans-Mountain Road (Loop 375) a distance of 500 feet;

Thence, northwesterly, parallel and 500 feet from the centerline of Trans-Mountain Road (Loop 375) to a point 2,600 feet more or less from the west line of Section 31, Block 81, Tsp. 1;

Thence, southerly through Sections 31 and 36, Block 81, Tsp. 1, T & P RR Co. Surveys and parallel to the west line of said Sections 31 and 36, of same to a point, said point being 2,600 feet more or less south from the north line of said Section 36, Block 81, Tsp. 1;

Thence, westerly through Section 36, Block 81, Tsp. 1, T & P RR Co. Surveys, a distance of 2,600 feet more or less to a common boundary to Sections 35 and 36 of same;

Thence, southerly along a line common to a portion of Sections 35 and 36, Block 81, Tsp. 1 and Sections 2 and 3, Block 81, Tsp. 2, T & P RR Co. Surveys to the point of beginning.

C. Purpose and Intent. The mountain development area is characterized by slope, vegetation, drainage, rock features, geologic conditions and other physical factors. These regulations are intended to:

1. Preserve the scenic quality of the Franklin Mountains;
2. Reduce the physical impact of hillside development by allowing innovative site and architectural design, minimizing grading and requiring restoration of graded areas;
3. Reduce water runoff, soil erosion and rock slides by minimizing grading and by requiring revegetation;
4. Utilize appropriate engineering technology to eliminate unstable slope and soil erosion;
5. Permit reasonable development which is compatible with the characteristics of the mountain development area;
6. Provide vehicular and emergency access which is safe, convenient, and compatible with the terrain of the land. (Ord. 13111 § 1 (part), 1997)

19.20.020 Procedure and requirements.

A filed subdivision application, or any portion thereof, for property within the mountain development area shall follow the general procedural requirements for plat review and approval as provided in Chapter 19.08 of this title, except that review and recommendation by the El Paso mountain committee shall be required. The subdivision coordinator shall forward a subdivision application within the mountain development area to the El Paso mountain committee following

presentation to the development review committee. The subdivision coordinator shall make a report of the written comments and recommendations submitted by the development review committee to the El Paso mountain committee. The El Paso mountain committee shall review all reports and recommendations presented and shall recommend approval, approval with modifications, or disapproval of the subdivision application. The recommendations of the El Paso mountain committee shall be submitted in writing to the city plan commission, or subdivision coordinator where administrative approval is authorized, prior to any action on the subdivision application. In all instances, a subdivision application submitted for property within the mountain development area shall be completed within the time period specified in Section 19.04.130 of this title. (Ord. 16802 § 2 (part), 2007; Ord. 13111 § 1 (part), 1997)

19.20.030 Development standards.

The subdivider shall comply with the following development standards, in addition to those identified in Chapter 19.16, and shall incorporate the requirements within the subdivision application.

A. Drainage and Erosion.

1. All necessary erosion control measures shall remain in place until effective stabilization occurs.
2. Erosion control shall utilize live native revegetation to the extent reasonably possible.
3. The existing natural drainage system on the property may be used to satisfy the stormwater drainage requirements of this title when recommended by the development services director or designee and approved by the approving authority based on findings of hydrology and storm drainage report.
4. Ponding areas used as stormwater drainage facilities shall not be permitted, except where recommended by the development services director or designee and approved by the approving authority. Ponding areas shall remain undisturbed in their natural state to the extent reasonably possible.
5. No existing watercourse or other natural drainage system carrying more than five cubic feet per second in a one hundred year frequency storm, whether on-site or off-site, shall be disturbed by any building development or construction activity within the proposed subdivision unless no other reasonable drainage alternative exists as recommended by the development services director or designee and approved by the approving authority.
6. All floodways in floodplain areas shall be dedicated as drainage easements or rights-of-way.

B. Vegetation and Revegetation.

1. Vegetation and revegetation shall be required on all disturbed areas. If in the course of construction of buildable areas, nonbuildable areas are disturbed, the subdivider shall restore the formerly undisturbed areas through the replanting of appropriate native, adaptive and drought tolerant revegetation to mitigate soil erosion. For purposes of this requirement, appearance features which are compatible with the area shall be allowed when recommended by the development services director or designee.
2. Existing natural vegetation on the property shall be retained in its natural state, except where necessary for the construction of subdivision improvements and buildings or to replace or improve undesirable vegetation.

C. Fire Protection. All lots shall be supplied with adequate fire protection in the form of fire hydrants capable of sustaining a flow rate as follows (as evidenced by flow tests), and spaced at intervals of not more than five hundred feet:

Flow Rates (gallons per minute)	Structures Sprinklered
500 to 999	All buildings
1,000 to 1,499	All buildings exceeding three thousand square feet
1,500 or more	None required

A note shall be placed on the subdivision improvement plans which indicates whether or not buildings within the subdivision are required to be sprinklered based on the flow rate

requirements of this subsection.

D. Grading, Cuts and Fills. Grading allowed within a subdivision shall be based on the concept of minimal disturbance, and not on maximum buildable footage.

1. Exposed slopes of surfaces of excavation or fill shall comply with the requirements of the geotechnical report, except as otherwise recommended by the development services director or designee and approved by the approving authority.

2. The maximum vertical height of a cut or fill shall be fifteen feet, except that the development services director or designee may recommend and the approving authority approve a greater vertical height when necessary.

E. Streets.

1. The approving authority may approve a street grade in excess of eleven percent as follows:

Street Grade	Maximum Grade Length (horizontal distance in feet)
12-13	700
14-15	350
16-18	200

Where a street grade exceeds eleven percent, buildings on lots fronting and accessed by the street shall be required to be sprinklered by the approving authority when recommended by the development services director or designee and the fire chief. A note shall be placed on the subdivision improvement plans which indicates whether or not buildings within the subdivision are required to be sprinklered based on the requirements of this subsection.

2. Mountain residential and divided mountain residential streets shall be designed to meet a design speed as follows:

a. Twenty miles per hour when the street is designed to carry an average daily traffic (ADT) volume of less than two hundred vehicle trips;

b. Twenty-five miles per hour when the street is designed to carry an average daily traffic (ADT) volume of two hundred or more vehicle trips;

c. Twenty-five miles per hour when the street is designed as a stub street.

F. Street Lighting. The subdivider shall furnish and install one street light at each street intersection. The design and installation of street lights shall be in accordance with the subdivision improvement design standards.

G. Panhandle Lots for Residential Uses. Panhandle lots for residential uses shall be permitted to reduce grading and cut and fill. The maximum length of the panhandle shall be seven hundred fifty feet. The minimum width of the panhandle shall be twelve feet to serve one dwelling unit. A maximum of four dwelling units may jointly use a panhandle, provided that the minimum cumulative width of all the common driveway is twenty feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.

H. Signage. Traffic control signs shall be permitted to be installed on shared sign posts to reduce visual clutter in the subdivision.

I. Driveway Access.

1. The approving authority may approve a driveway length in excess of two hundred fifty feet, and up to a maximum of seven hundred fifty feet, when the subdivider provides evidence of all of the following:

a. A driveway grade at a maximum horizontal distance in feet is provided as follows:

Driveway Grade	Maximum Grade Length (horizontal distance in feet)
12-13	700
14-15	350
16-18	200

Where a driveway grade exceeds eleven percent, buildings on lots fronting the driveway shall be required to be sprinklered by the approving authority when recommended by the development services director or designee and the fire chief. A note shall be placed on the subdivision improvement plans which indicates whether or not buildings within the subdivision are required to be sprinklered based on the requirements of this subsection; and

b. The driveway is of asphalt or concrete construction to support fire fighting and other emergency apparatus.

2. For purposes of this subsection, the driveway length shall be calculated from the abutting street to the nearest face of the primary structure.

3. When the city plan commission makes a finding pursuant to Section 19.04.170 and allows a greater driveway length than seven hundred fifty feet, the approval shall be subject to the building construction being sprinklered. A note shall be placed on the subdivision improvement plans which indicates whether or not buildings within the subdivision are required to be sprinklered based on the requirements of this subsection. (Ord. 16685 § 1 (part), 2007; Ord. 13956 §§ 125–132, 1999; Ord. 13111 § 1 (part), 1997)

19.20.040 Reports required.

A filed subdivision application on property within the mountain development area, or portion thereof, shall be accompanied by five copies of the following:

A. Soils Report. A soils report containing all of the following information:

1. Soil conservation map of the property, delineating soil types;
2. An accurate topographic map;
3. Major soil hazard ratings in relation to the total area of development;
4. Percentage of area to be disturbed in relation to the total area of development.

B. Grading, Drainage and Erosion Plan. A grading, drainage and erosion plan containing all of the following information:

1. Grading plan showing the existing topography and proposed grades, including elevations, lines and grades;
2. A flood analysis for stream channels that occur on the property based on the following criteria:
 - a. One hundred year storm event,
 - b. The peak discharge of stormwater,
 - c. Provisions for storm drainage;
3. A map indicating the on-site and off-site drainage area contributory to the property;
4. Specific erosion control methods to be used on the disturbed areas;
5. Calculations and proposed details used for design and construction, including:
 - a. Rainfall intensity,
 - b. Soil stability,
 - c. Land slope and topography,
 - d. Condition of the soil surface and land management methods in use,
 - e. Surface cover, grass, shrubs and pavement;
6. A geotechnical report for all cuts and fills which addresses stability.

C. Vegetation Preservation and Protection Report. A vegetation preservation and protection report containing all of the following information:

1. General description of existing vegetation and proposed use of new vegetation;
2. The vegetation to be removed and method of disposal;
3. The vegetation to be planted;
4. Slope stabilization measures to be installed. (Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS

Chapter 19.24 EXTRATERRITORIAL JURISDICTION (ETJ) STANDARDS19.24.010 General provisions.19.24.020 Water and wastewater service.19.24.030 Lot requirements.19.24.040 Advertising standards and other requirements before sale.**19.24.010 General provisions.**

Owners of property within the extraterritorial jurisdiction who propose a subdivision of land shall be subject to the provisions of this title. The regulations contained within this title, including the subdivision improvement design standards, shall be applicable except as modified by this chapter. (Ord. 13111 § 1 (part), 1997)

19.24.020 Water and wastewater service.

Subdivisions within the extraterritorial jurisdiction shall provide water and wastewater service in accordance with the provisions of this section. The city plan commission shall not grant a subdivider final plat approval unless the subdivision application meets all of the following:

A. Water Service. All subdivisions shall provide a complete water service and distribution system capable of delivering potable water to every lot in the subdivision in sufficient capacity to provide for the complete water use needs of the subdivision, and complying with the following:

1. Where drinking water is to be supplied to a subdivision from a public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in the 25 Texas Administrative Code (TAC).

2. Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement in substantially the form attached in Appendix 1A, found at the end of Title 19 of this code, with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty years. The agreement must reflect that subdivider has paid, or provided financial guarantees for the payment of, the cost of water meters or other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system have been paid so that service is immediately available to each lot.

3. Nonpublic Water Systems. Where individual wells or other nonpublic water systems are proposed for the supply of drinking water to residential establishments, a test well or wells located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (thirty years) quantity of the available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC, Sections 290.103, 290.105, 290.106 and 290.110, either:

- a. Without any treatment to the water; or
- b. With treatment by an identified and commercially available water treatment system.

4. Transportation of Potable Water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method,

except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

B. Wastewater Service. All subdivisions shall provide a complete wastewater collection system capable of properly removing wastewater from every lot in the subdivision in sufficient capacity to provide for the complete removal of all wastewater generated by the subdivision, and complying with the following:

1. Wastewater service shall be provided by the El Paso water utilities in accordance with Section 19.16.070(B).

2. In the event the El Paso water utilities is unable to provide wastewater service within the time limits stated in Section 19.16.070(B), the subdivider shall provide wastewater service in accordance with one of the following:

a. Public sewerage facilities (other than El Paso water utilities):

i. A subdivider who proposes the development of an organized wastewater collection and treatment system shall obtain a permit to dispose of wastes from the Texas Commission on Environmental Quality (TCEQ) and approval of engineering planning materials for such systems in accordance with the 30 Texas Administrative Code (TAC).

ii. A subdivision that proposes to dispose of wastewater by connecting to an existing permitted facility shall provide a copy of the written agreement with the permittee. The agreement shall indicate the total occupancy of the proposed subdivision. Engineering plans for the proposed wastewater collection lines shall be approved by the Texas Commission on Environmental Quality (TCEQ) prior to construction.

b. On-site sewage facilities:

i. A sewage disposal plan shall be designed by a registered professional engineer or registered sanitarian.

ii. On-site sewerage facilities for the on-site disposal of sewage in the amount of five thousand gallons per day or greater shall obtain a wastewater permit from the Texas Commission on Environmental Quality (TCEQ).

iii. On-site sewerage facilities not required to obtain a wastewater permit from the Texas Commission on Environmental Quality (TCEQ) shall obtain a "permit to construct" from an authorized agent in accordance with Chapter 366 On-site Sewage Disposal Systems (Texas Health and Safety Code) and the Sewage Facility Order of El Paso County, Texas.

iv. On-site sewerage facilities proposed near lakes shall be licensed and installed in accordance with the requirements established by the Texas Commission on Environmental Quality (TCEQ) in 30 Texas Administrative Code (TAC).

v. On-site sewerage facilities proposed within aquifer recharge zones shall be licensed and installed in accordance with the requirements established by the Texas Commission on Environmental Quality (TCEQ) in 30 Texas Administrative Code (TAC).

vi. Proposals for on-site sewage disposal systems shall be subject to the review, approval and inspection of the Texas Commission on Environmental Quality (TCEQ) or its authorized agent to assure that the systems are in compliance with Chapter 366 of the Texas Health and Safety Code and 30 Texas Administrative Code (TAC).

c. Reclaimed Water Systems for Reuse of Treated Wastewater.

i. Any proposal for sewage collection, treatment and disposal which includes reclaimed water reuse shall meet the minimum criteria of 30 Texas Administrative Code (TAC).

ii. Any proposal for on-site sewage facilities which includes provisions for reclaimed water reuse shall meet the minimum criteria of 30 Texas Administrative Code (TAC).

d. The disposal of sludge from water treatment and wastewater treatment facilities shall meet the criteria of 30 Texas Administrative Code (TAC).

e. The subdivider shall provide the following setbacks for all lots within a subdivision, notwithstanding the separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or potable water supplies: a minimum of ten feet from streets and other public rights-of-way and a minimum of five feet from adjacent property lines.

C. Submission Contents.

1. **Final Engineering Report.** The final plat shall be accompanied by three copies of an engineering report bearing the signed and dated seal of a professional engineer registered in the state of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment service to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the city shall be provided for those unconstructed water supply and distribution facilities and for wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial

guarantees are to be provided under Section 19.28.060 of this code, the schedule shall include the start dates and completion dates.

2. On-Site Sewerage Facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC, Section 285.4(c), including the site evaluation described by 30 TAC, Section 285.30 and all other information required by applicable OSSF regulations.

3. Public Water Systems. Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement in substantially the form attached in Appendix 1A, found at the end of Title 19 of this code, between the subdivider and the retail public utility to the effect that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty years and that the subdivider has provided for the payment of costs or fees for the connection of each individual lot to the public water system, including water meters, water acquisition fees, or other necessary expenses required by the retail public utility. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project, which may include the TCEQ and the department of environmental services in addition to the responsible departments of the city. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study which shall include comments regarding the long term (thirty years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision.

4. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a certificate of convenience and necessity ("CCN") from the TCEQ and include evidence of the CCN issuance with the plat. Before final plat acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than thirty years.

5. Nonpublic Water Systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with Section 19.24.020(A)(3). The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to Section 19.24.020(A)(3) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The engineer shall issue a statement concerning the availability of groundwater supplies to serve the fully developed subdivision over the next thirty years. Such statement may be based on information available from the Texas Water Development Board's Office of Planning. The description of the required sanitary control easement shall be included.

6. Organized Sewerage Facilities. Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement in substantially the form attached in Appendix 1B, found at the end of Title 19 of this code, between the subdivider and must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is immediately available to each lot. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

7. Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility, and obtain a CCN from the TCEQ. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the TCEQ and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

D. Prerequisites to Approval.

1. The subdivider shall provide evidence that the plans and specifications for construction including any change orders filed with the appropriate authorities have been approved in accordance with the criteria established within this title and the approval from the Texas

Commission on Environmental Quality (TCEQ).

2. The subdivider shall provide evidence that the subdivision application has received approval from the department of environmental services in accordance with 30 Texas Administrative Code (TAC), Chapter 285 On-site Sewage Facilities, and the Sewage Facility Order of El Paso County, Texas, as applicable.

3. Additional Information. The city may, at its option, require additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be limited to:

- a. Layout of proposed street and drainage work;
- b. Legal description of the property;
- c. Existing area features;
- d. Topography;
- e. Flood plains;
- f. Description of existing easements;
- g. Layout of other utilities;
- h. Notation of deed restrictions;
- i. Public use areas; or
- j. Proposed area features.

E. Scope of Standards. All plats for residential developments and mobile home parks shall comply with the minimum standards of this section. Subdivisions are presumed to be residential developments unless the land is restricted to nonresidential uses on the final plat and on all deeds and contracts for deeds, or by restrictive covenants recorded in the office of the county clerk with the final plat. (Ord. 16816 §§ 2–4 (part), 2008; Ord. 14696 § 2 (part), 2000; Ord. 13907 § 45, 1998; Ord. 13111 § 1 (part), 1997)

19.24.030 Lot requirements.

A. Residential Subdivision Lot Sizes.

1. In a subdivision where public water and public sewers are provided, and on-site ponding is not used, the minimum lot areas shall be six thousand square feet with an average lot width of fifty feet and a minimum lot depth of ninety feet.

2. In a subdivision where public water and public sewers are provided, and on-site ponding is used, the minimum lot areas shall be ten thousand square feet with an average lot width of at least one-third the lot depth.

3. Subdivisions served by a public water system, but utilizing individual methods of sewage disposal shall provide for lots of at least one-half acre. In calculating lot or tract sizes, access easements or rights-of-way adjacent to or through such lots shall not be used to satisfy the one-half acre requirement.

4. Subdivisions utilizing individual water supply systems, individual methods of sewage disposal shall provide for lots of at least one acre. In calculating lot or tract sizes, access easements or rights-of-way adjacent to or through such lots shall not be used to satisfy the one-acre requirement.

5. The lot size requirements of this section may be modified by the city plan commission, upon approval by the department of environmental services of a sewage disposal plan for on-site sewage disposal prepared by an engineer or sanitarian.

6. No more than one single-family detached dwelling shall be located on each subdivision lot. A notation of this restriction shall be placed on the face of the recording plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Where otherwise authorized, proposals which include multifamily residential structures shall include adequate, detailed planning materials required by the city for determination of proper water and wastewater utility type and design.

B. Mobile Home Park Space Sizes.

1. In a subdivision where public water and public sewers are provided, and on-site ponding is not used, the minimum lot area of the mobile home park shall be thirty thousand square feet with an average lot width of one hundred feet and a minimum lot depth of two hundred feet, and the minimum mobile home space area shall be four thousand five hundred square feet with an average space width of forty-five feet and a minimum space depth of one hundred feet.

2. In a subdivision where public water and public sewers are provided, and on-site ponding is used, the minimum lot area of the mobile home park shall be thirty thousand square feet with an average lot width of one hundred feet and a minimum lot depth of two hundred feet, and the

minimum mobile home space area shall be six thousand square feet with an average space width of forty-five feet and a minimum space depth of one hundred feet.

3. Subdivisions served by a public water system, but utilizing individual methods of sewage disposal, shall provide a minimum one-half acre for each mobile home space. In calculating the minimum mobile home space area, access easements or rights-of-way adjacent to or through such mobile home space shall not be used to satisfy the one-half acre requirement.

4. Subdivisions utilizing individual water supply systems and individual methods of sewage disposal shall provide a minimum one acre for each mobile home space. In calculating the minimum mobile home space area, access easements or rights-of-way adjacent to or through such mobile home space shall not be used to satisfy the one-acre requirement.

5. The lot and space size requirements of this section may be modified by the city plan commission, upon approval by the department of environmental services of a sewage disposal plan for on-site sewage disposal prepared by an engineer or sanitarian. The design shall show proposed well locations within a one hundred fifty foot radius (sanitary control easement) around the well in which no subsurface sewage system may be constructed; except that a watertight sewage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than one hundred fifty feet. In no instance shall the area available for the on-site sewage system be less than two times the design area. The on-site sewage system shall be designed in accordance with the requirements of this title. A finding under this subsection shall only be made upon proof that the on-site sewage system can be operated without causing pollution, a nuisance, or a threat or harm to an existing or proposed water supply system. When a property abuts any public street or alley in which there is a public sewer within three hundred feet from the closest point of the property, and when the on-site sewage system causes pollution, a nuisance, or a threat or harm to an existing or proposed water supply system as determined by the department of environmental services, the property shall be required to connect to the public sewer.

6. No more than one mobile home shall be located on each mobile home space in a mobile home park. A notation of this restriction shall be placed on the face of the final plat of the subdivision. (Ord. 16816 § 4 (part), 2008; Ord. 14696 § 2 (part), 2000; Ord. 13907 § 46, 1998; Ord. 13111 § 1 (part), 1997)

19.24.040 Advertising standards and other requirements before sale.

Brochures, publications and advertising of any form relating to subdivided land shall comply with the following:

A. Advertising shall not contain any misrepresentation.

B. For-sale signs posted on the property shall not be larger than three feet by three feet and shall describe the availability of water and sewer service facilities and electric and gas utilities.

C. The subdivider shall provide the purchaser with copies of all written documents relating to the sale of subdivided land under an executory contract or conveyance document, including the contract and disclosure notice. Such copies shall be in English and Spanish if:

1. Negotiations that precede the execution of the executory contract are conducted primarily in Spanish; or

2. The purchaser requests the written documents to be provided in Spanish.

D. Before an executory contract is signed by the purchaser, the subdivider shall provide the purchaser with a written notice, which shall be attached to the executory contract, informing the purchaser of the condition of the property. The notice shall be executed by the subdivider and purchaser, and shall be acknowledged.

E. The subdivider shall provide each purchaser who is sold a lot under an executory contract with an annual statement in January of each year during the term of the executory contract. If the subdivider mails the statement to the purchaser, the statement shall be postmarked no later than January 31st.

F. Before an executory contract or other conveyance document is signed by the purchaser, the subdivider shall provide the purchaser with a copy of the recorded subdivision plat. (Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS

Chapter 19.28 CONSTRUCTION AND GUARANTEES19.28.010 Construction of subdivision improvements.19.28.020 Guarantees.19.28.030 Developer participation contract.19.28.040 Special financing.19.28.050 Required improvements.19.28.060 Guarantees for water or wastewater facilities.**19.28.010 Construction of subdivision improvements.**

A. Requirement. Upon the recording of the approved subdivision as provided in Section 19.08.100, the subdivider shall proceed with the construction of the required improvements within the area covered by the subdivision. All improvements required by these regulations shall be completely installed and constructed by the subdivider, or his successors in title, within a maximum time period of two years from the recording of the approved subdivision, except as otherwise provided in this section. All improvements shall conform with the provisions of this title and the approved plans. Upon application by the subdivider on a form identified in Appendix S, on file in the planning department, the city plan commission may grant up to two one-year extensions of time for completion of the required subdivision improvements. A one-year extension granted by the city plan commission shall commence on the date following the two-year expiration period, or the previously granted one-year extension. A subdivider unable to complete required improvements within the provided time plus applicable extensions shall be required to resubmit subdivision application pursuant to Title 19 as written at the time of resubmittal. The application for a one-year extension shall be submitted by the subdivider, together with a processing fee of one hundred fifty dollars, on or before the expiration of time originally provided for completion of subdivision improvements, and shall include a detailed explanation as to the reasons which merit the granting of an extension. An application shall contain an addendum with a plan indicating the percentage of the remainder yet to be completed accompanied by a detailed plan for completion of the remaining improvements within the extension period. At his or her discretion, the director of the planning department may accept an application for a request for extension of time for completion of subdivision improvements which is no more than sixty days past due upon receipt of a penalty fee in the amount of one thousand dollars, in addition to any fee otherwise charged for a properly submitted request for extension.

B. Temporary Improvement. The subdivider shall build and pay for all costs of temporary improvements required by the city plan commission and shall maintain those temporary improvements for the period specified by the city plan commission. Prior to the construction of any temporary facility or improvement, the subdivider shall file a subdivision improvement agreement and guarantee as provided in Section 19.28.020.

C. Failure to Complete Improvement. Where required subdivision improvements are not completely installed and constructed within the two-year time period, unless otherwise extended, and within the terms of the subdivision improvement agreement and guarantee, the subdivider shall be deemed in violation of this title and shall be subject to the penalty provisions outlined in Chapter 19.04. The city may then do any or all of the following:

1. Declare the subdivision improvement agreement and guarantee to be in default;
2. Where an additional security was required, obtain funds under the security to complete the subdivision improvements using a third party selected by the city or county, as applicable;

3. Exercise any other rights available under the law;
4. Require complete subdivision resubmission pursuant to Title 19 as it exists at such time of resubmission.

D. Exception for Sidewalk Construction.

1. **Local Streets.** Where sidewalks are required to be constructed on local streets within an approved subdivision pursuant to this title and Chapter 13.04, the sidewalks shall be installed as soon as reasonably possible after the first building permit is issued for each lot, or portion thereof, within the subdivision. The property owner of the lot, or portion thereof, for which a building permit has been issued shall be responsible for construction of the sidewalk. No certificates of occupancy shall be issued until the sidewalk has been constructed in accordance with the regulations of this title and the subdivision improvement design standards, and has been inspected and approved by the development services director or designee.

2. Arterial Streets.

a. Where sidewalks are required to be constructed on arterial streets within an approved subdivision pursuant to this title and Chapter 13.04, the construction may be deferred until ordered by the city. The city plan commission may, as part of the subdivision approval, approve a deferral of the construction of sidewalks when the arterial street is designed to serve residential double-front lots, and the residential double-front lots are provided primary access through a fully improved locals street; and the arterial street for which a sidewalk deferral is to be authorized provides frontage to the rear side of the residential double-front lots, and the improvement of the arterial street is delayed due to a partial dedication of the arterial street right-of-way within the approved subdivision.

When ordered by the city, the sidewalk shall be constructed in accordance with the regulations of this title and the subdivision improvement design standards, and subject to inspection and approval by the development services director or designee.

b. Sidewalks required on an arterial street shall be installed as soon as reasonably possible after the first building permit is issued for each lot, or portion thereof, within the subdivision; except where a sidewalk deferral was approved by the city plan commission as part of the subdivision approval. The property owner of the lot, or portion thereof, for which a building permit has been issued shall be responsible for construction of the sidewalk. No certificates of occupancy shall be issued until the sidewalk has been constructed in accordance with the regulations of this title and the subdivision improvement design standards, and has been inspected and approved by the development services director or designee.

E. Pre-Construction Conference. A pre-construction conference shall be required prior to commencement of construction of the required subdivision improvements. The preconstruction conference shall be held with the development services director or designee and the property owner(s), the engineer, and any authorized representative. The preconstruction conference may be waived by the development services director or designee. (Ord. 16685 § 1 (part), 2007; Ord. 16003 § 1, 2005)

19.28.020 Guarantees.

A. Costs of Improvements. All improvements which the subdivider is required to make pursuant to this title, shall be made by the subdivider, at its expense, without reimbursement by the city, except as otherwise provided in this title.

B. Subdivision Improvement Agreement and Guarantee. A subdivider shall be required to sign a subdivision improvement agreement and guarantee by which the subdivider covenants to complete all of the required subdivision improvements no later than two years following the date on which the subdivision is recorded pursuant to Section 19.08.100, or to the date of a time extension granted by the city plan commission. The subdivision improvement agreement and guarantee shall be in the form outlined in Appendix P, on file in the planning department, and shall contain such other terms and conditions agreed to by the subdivider and the city plan commission. The agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider.

C. Other Security Required and Exceptions to Security Required.

1. **Other Security Required.** The city plan commission shall, upon a request for extension of time for completion of the required subdivision improvements, require that a subdivider provide other forms of security to insure that the subdivision improvements are completed as required in this title. Where required, a guarantee in the amount of one hundred twenty-five percent of the remaining subdivision improvements shall be provided. The subdivider shall be responsible for

providing estimated construction and cost information to the city engineer. The city engineer shall approve or deny the amounts proposed. Such security for the construction of the subdivision improvements shall be made payable to the mayor of the city or the county judge of the county, as applicable, in one of the following forms:

- a. Cash deposit;
 - b. An irrevocable letter of credit, acceptable to and approved by the city attorney, and issued by any bank duly chartered under the laws of the state; or
 - c. A bond, acceptable to and approved by the city attorney or county attorney, that shall guarantee such funds to the city or county.
2. Exceptions to Security Required. Upon the determination by the city plan commission that delay was caused by a governmental entity, utility, or when the commission finds that economic hardship would result and that there is a public purpose for not requiring security. (Ord. 16003 § 2, 2005)

19.28.030 Developer participation contract.

A. The city may contract with a subdivider to construct public improvements relating to the subdivision development. Under the contract, the subdivider shall construct the public improvements and the city shall participate in their cost. The limits of participation by the city shall be expressly established in the contract at a level not to exceed thirty percent of the total contract price.

B. The subdivider shall execute a performance bond for the construction of the public improvements to ensure their completion. All records related to the subdivider's cost of constructing the public improvements shall be maintained and made available for inspection by the city. (Ord. 13111 § 1 (part), 1997)

19.28.040 Special financing.

A. Arterial Development Within the Corporate Limits.

1. When an arterial street is shown within an approved subdivision, the subdivider shall be required to make the street improvements at his sole cost; except to the extent that the street improvements are determined to be excess width by the city plan commission. For purposes of this section, excess width occurs when all of the following apply:

- a. The arterial street improvements (right-of-way width, street construction, or both) within the approved subdivision are not necessitated by and attributable to the proposed development as determined by the city plan commission based on a traffic impact study; and
- b. The portion of the arterial street within the approved subdivision is designated on the official Major Thoroughfare Plan.

2. In cases where the full cost of improving an arterial street is not required to be made by a subdivider pursuant to subsection (A)(1) of this section, the cost attributable to the excess width of the arterial street improvement shall be borne by the city. The reimbursement of the cost attributable to excess width shall be made when such arterial street is improved by the subdivider and accepted for maintenance by the city.

3. The city council may authorize by specific resolution, whether or not the full cost of improving an arterial street is required to be made by a subdivider, the participation in the cost of improvement of an arterial street which is established at the direction and for the convenience of the city.

4. Where in a subdivision there is an arterial street that will not be immediately developed, the subdivider's proportionate share of the costs of such arterial street shall be deposited with the city at the time of the recordation of the subdivision plat, and shall be held for future construction.

B. Crossing Structures within the Corporate Limits. Upon the request of the subdivider, the city council shall be authorized to make special provisions for the financing of crossing structures that provide access and circulation for areas in addition to those included in the immediate subdivision. These special provisions may include the expenditure of public funds, acceptance of a partial contribution to be held for future construction, or other provisions which the city council determines to be in the public interest.

C. Drainage Structures and Facilities Within the Corporate Limits. Upon the request of the subdivider, the city council upon a recommendation of the development services director or designee shall be authorized to make special provisions for the financing of drainage structures

19.28.050 Required improvements.

- A. Grading, as regulated by Chapter 18.44;
- B. Drainage facilities;
- C. Streets and other rights-of-way;
- D. Survey monuments;
- E. Street lights;
- F. Traffic control signs and traffic signalization;
- G. Landscaping;
- H. Curb ramps;
- I. Street pavement markings; and
- J. Parkland.

(Ord. 16685 § 4, 2007; Ord. 13111 § 1 (part), 1997)

A. **Applicability.** If an adequate public or nonpublic water system or wastewater facility is not available from another entity, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the city plan commission or county commissioners' court shall require the owner of the subdivided tract to execute an agreement with the city or county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds, contracts for deeds, or restrictive covenants are provided at the time of the final plat approval.

1. Bonds. Bonds shall meet the following requirements:

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a. Letters of credit submitted as financial guarantee for combined amounts greater than ten thousand dollars and less than two hundred fifty thousand dollars shall be from financial institutions which meet the following qualifications:

i. Bank qualifications:

(A) Federally insured;

(B) Sheshunoff rating of ten or better and primary capital of at least six percent of total assets; and

(C) Total assets of at least twenty five million dollars.

ii. Savings and loan association qualifications:

(A) Federally insured;

(B) Tangible capital of at least one and one-half percent of total assets and total assets of greater than twenty-five million dollars or tangible capital of at least three percent of total assets if assets are less than twenty-five million dollars; and

(C) Sheshunoff rating of thirty or better.

iii. Other financial institution qualifications:

(A) The letter of credit shall be one hundred ten percent collateralized by an investment instrument that would meet the qualifications for a city or county investment; and

(B) The investment instrument shall be registered in the name of the city or county and the city or county shall receive safekeeping receipts for all collateral before the letter of credit is accepted.

b. Letters of credit submitted as financial guarantee for combined amounts equal to or greater than two hundred fifty thousand dollars shall be from financial institutions which meet the following qualifications:

i. Bank qualifications:

(A) Federally insured;

(B) Sheshunoff rating of thirty or better and primary capital of at least seven percent of total assets; and

(C) Total assets of at least seventy-five million dollars.

ii. Savings and loan association qualifications:

(A) Federally insured;

(B) Tangible capital of at least three percent of total assets and total assets greater than seventy-five million dollars, or tangible capital of at least five percent of total assets if total assets are less than seventy-five million dollars; and

(C) Sheshunoff rating of thirty or better.

iii. Other financial institution qualifications:

(A) The letter of credit shall be one hundred ten percent collateralized by an investment instrument that would meet the qualifications for a city or county investment;

(B) The investment instrument shall be registered in the name of the city or county and the city or county shall receive safekeeping receipts for all collateral before the letter of credit is accepted;

(C) The letter of credit shall list as sole beneficiary the mayor of the city or county judge of the county, and shall be subject to the approval of the mayor of the city or the county judge of the county;

(D) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established by these regulations and upon construction of facilities within the time stated on the subdivision, or on the document attached to the subdivision, or within any extension of time granted by the city plan commission or county commissioners' court.

C. Financial Guarantee. The city or county shall determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

D. Alternative to City or County Accepting a Financial Guarantee. The city or county may approve a final plat under this section without receiving a guarantee in the name of the city or county if:

1. The property being subdivided lies wholly within the jurisdiction of the county;

2. The property being subdivided lies wholly within the extraterritorial jurisdiction of a municipality; and

3. The municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality and county to:

a. Accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section,

b. Execute the construction agreement with the subdivider, and

c. Assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

E. Time Extension for Providing Facilities.

1. Reasonableness. The city of El Paso or commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer facilities must be fully operable if:

a. Any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with Section 19.28.060 are submitted which will be effective for the period of the extension; and

b. The city or county finds the extension is reasonable and not contrary to the public interest.

2. Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.

3. Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Section 19.24.20 of this chapter. (Ord. 14696 § 3, 2000; Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS**Chapter 19.32 INSPECTION AND ACCEPTANCE OF IMPROVEMENTS**19.32.010 Inspection and acceptance.**19.32.010 Inspection and acceptance.**

A. Entry and Inspection. The development services director or designee shall have the right to enter upon the subdivision site for the purpose of conducting inspections. The development services director or designee shall provide for the inspection of required subdivision improvements during construction to insure general conformity with plans and specifications as approved. If the development services director or finds, upon inspection, that any of the required subdivision improvements have not been constructed in accordance with the Subdivision Improvement Design Standards, then the subdivider shall be responsible for making the necessary changes to insure compliance.

Upon completion of each phase of the subdivision construction, the subdivider shall notify the development services director or designee that the work is ready for a final inspection. The development services director or designee shall, within ten working days of a notification by the subdivider, arrange and conduct a joint inspection with the subdivider and the contractor to determine that each aspect of the subdivision has been installed per city standards, and in conformity with the approved subdivision improvement plans. Deficiencies requiring correction by a subdivider resulting from an inspection of the development services director or designee on any phase of the subdivision construction shall be made in writing, and such deficiencies shall be corrected within thirty days of the written correction notice unless otherwise agreed to by the development services director or designee in writing. A subsequent inspection of the subdivision construction in any phase requiring correction shall be made within five working days from a request of the subdivider, and the re-inspection(s) shall be solely based on corrections requested at the initial inspection; provided, however, that corrections requested at any inspection and necessitated to comply with any statutory requirement shall be made by the subdivider. Failure of the development services director or designee to arrange and conduct the inspection(s) as herein provided shall permit the subdivider to request that the city accept the phase of subdivision construction for maintenance. It shall be the duty of the subdivider to document that the requirements have been met. Documentation that this inspection has been successfully performed shall be submitted to the development services director or designee prior to the acceptance of any approved phase of the subdivision improvements and the contractor's release from liability.

The subdivider shall pay all necessary inspection fees as set by resolution of the city council, and no permits shall be issued until the required fees have been paid.

B. Acceptance of Improvements.

1. Within the Corporate Limits. Upon completion of the construction of the subdivision improvements, the subdivider shall request that the city accept the improvements for maintenance. Acceptance of the public improvements shall not be unreasonably delayed, withheld, or denied by the city. The public improvements may be accomplished in phases; provided, that the phasing is shown on the approved subdivision improvement plans approved by the development services director or designee pursuant to Section 19.08.080 of this title, and that all phases of the subdivision improvements are completed within the time period specified in Section 19.28.010.

Concurrently with the request for acceptance of the subdivision improvements for maintenance, the subdivider shall submit the following to the development services director or designee:

a. A complete set of "as-built" film reproducible improvement plans for the subdivision. The "as-built" plans shall illustrate that all of the subdivision improvements are in accordance with the subdivision improvement plans and with this title, as approved for the subdivision; and that said subdivision improvements are ready for acceptance by the city, and are free and clear of any and all liens and encumbrances;

C. Certificate of Approval. Upon documentation of satisfactory inspections, receipt of certified as-built plans, receipt of an as-built survey of city or county monuments, acceptance of the improvements for maintenance by the city or county, and receipt of a maintenance guarantee as required in Section 19.28.010, the development services director or designee shall forward to the subdivision coordinator a certificate of approval for the subdivision, in the form specified in Appendix R, on file in the planning department. (Ord. 16685 §§ 1 (part), 5, 6, 2007; Ord. 13956 §§ 139--141, 1999; Ord. 13907 § 47, 1998; Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS

Chapter 19.36 MAINTENANCE OF IMPROVEMENTS19.36.010 Maintenance of improvements.**19.36.010 Maintenance of improvements.**

The subdivider shall be responsible for all subdivision improvements by the city or county. Prior to issuance of the certificate of acceptance by the development services director or designee pursuant to Section 19.32.010, a one-year maintenance guarantee in favor of the city or county, shall be provided by the subdivider by means of a subdivision improvement agreement and guarantee, in the form found in Appendix P.

In the event of the maintenance or repair of a defect in the roadway improvement for any accepted street classification during the initial guarantee period, the subdivider shall provide a one-year extended maintenance guarantee in favor of the city or county for the entire station(s) of the defect area, such one-year period to commence upon completion of the subject maintenance or repair. Such extended maintenance guarantee procedure shall be repeated until the defect with the affected station(s) has been remedied. (Ord. 16685 § 1 (part), 2007; Ord. 13956 § 142, 1999; Ord. 13907 § 48, 1998; Ord. 13907 § 48, 1998; Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS

Chapter 19.40 VACATION AND RESUBDIVISION OF RECORDED SUBDIVISIONS

19.40.010 Vacation of recorded subdivision or resubdivision.

19.40.020 Procedure for resubdivision without vacation.

19.40.030 Resubdivision of property designated for residential development.

19.40.040 Approval of amending subdivision without approval of other lot owners.

19.40.050 Other submittal requirements for a resubdivision.

19.40.010 Vacation of recorded subdivision or resubdivision.

A. General. Any subdivision or resubdivision may be vacated upon the application by all of the property owners of the land covered by the subdivision or resubdivision. The subdivision or resubdivision shall be vacated when a written instrument declaring the subdivision or resubdivision to be vacated is duly executed, acknowledged and recorded with the county clerk following the approval of the application. Approval of an application to vacate a subdivision or resubdivision shall be obtained in the manner prescribed for the original subdivision or resubdivision, whether approved by the city plan commission or administratively by the subdivision coordinator. The execution and recording of the vacating instrument shall nullify the original subdivision or resubdivision.

B. Procedure. A request for vacation of a recorded subdivision or resubdivision shall be made by the property owners to the subdivision coordinator. The request shall be made on completed forms obtained in the office of the subdivision coordinator and shall include a written statement of the facts necessary to justify the request. A decision of the city plan commission or the subdivision coordinator shall be made within thirty days from the date the application is received.

C. Notification. The county clerk shall write in plain and legible letters across the subdivision or resubdivision vacated by the recorded instrument the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded. The subdivision coordinator shall distribute copies of the instrument vacating the subdivision or resubdivision to the appropriate city, county and other official agencies. (Ord. 13111 § 1 (part), 1997)

19.40.020 Procedure for resubdivision without vacation.

Where a subdivision or resubdivision cannot be vacated pursuant to Section 19.40.010, a resubdivision (replat) of the duly recorded subdivision or resubdivision, or portion thereof, may be recorded and shall be deemed valid and controlling over the preceding subdivision or resubdivision, or portion thereof, without vacation of that subdivision or resubdivision when:

- A. The application for resubdivision of the recorded subdivision or resubdivision has been approved, after a public hearing, by the city plan commission;
- B. The application for resubdivision of the recorded subdivision or resubdivision has been signed and acknowledged by all of the owners of the property which is being resubdivided;
- C. The application for resubdivision does not attempt to alter, amend or remove any covenants or restrictions on the property;
- D. The application for resubdivision has met all of the provisions of Sections 19.40.030 and 19.40.040 of this title, when applicable; and
- E. The application for resubdivision is submitted and reviewed in the manner prescribed in this title for a major subdivision. (Ord. 13111 § 1 (part), 1997)

19.40.030 Resubdivision of property designated for residential development.

The following additional requirements shall apply to any application for resubdivision of a duly recorded subdivision or resubdivision, without vacation of the subdivision or resubdivision as provided in Section 19.40.010, if any of the proposed area to be resubdivided (replatted) was within the immediate preceding five years limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision or resubdivision was limited by deed restriction to residential use for not more than two residential units per lot:

A. Hearing Notice. Notice of the city plan commission hearing shall be given in the following manner:

1. Publication at least fifteen days in advance of the hearing being published in the official newspaper or a newspaper of general circulation in El Paso County. The executive secretary of the city plan commission shall authorize the publication by the subdivision coordinator of the required notification of public hearing after the city plan commission establishes a date for the public hearing;
2. Written notice (with a copy of Chapter 19.40 of this title attached thereto) of such public hearing forwarded by the city plan commission to property owners (as the ownership's appear on the last approved ad valorem tax roll of the city or county) of all lots in the immediate preceding subdivision or resubdivision and that are within two hundred feet of the lots, or portions thereof, to be resubdivided (replatted), not less than fifteen days prior to the date of such hearing; such notice may be served by depositing the same, properly addressed and postage paid, in a post office or postal repository within the corporate limits.

B. Vote Required. In any application for resubdivision (replatting) to which this subsection applies, the application for resubdivision must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the city plan commission. The provisions of this subsection shall, however, apply only if owners to whom notice is required to be given, representing at least twenty percent of the area of the lots or land immediately adjoining the area covered by the proposed resubdivision and extending two hundred feet from that area, but within the original subdivision or resubdivision, file with the city plan commission written protest of such application for resubdivision prior to the date of the public hearing. In computing percentages of land area under this subsection, the area of streets, alleys and other public rights-of-way shall be included.

C. Exception. The requirements of subsections A and B of this section shall not be required for approval of an application for resubdivision of a portion of a prior subdivision or resubdivision if all of the proposed area sought to be resubdivided was designated or reserved for usage other than for single- or two-family residential usage by notation on the last legally recorded subdivision or in the legally recorded restrictions applicable to such subdivision. (Ord. 13111 § 1 (part), 1997)

19.40.040 Approval of amending subdivision without approval of other lot owners.

An application for an amending subdivision, which meets the requirements of Chapter 19.08 of this title, shall not require the approval of all the property owners of the land covered by the amending subdivision, nor shall the approval of the application for amending subdivision require notice, hearing or approval of other lot owners. (Ord. 13111 § 1 (part), 1997)

19.40.050 Other submittal requirements for a resubdivision.

An application for resubdivision (replat) shall be submitted with the following information, in addition to that required under Chapter 19.08 of this title:

- A. A written statement indicating the intent to seek city plan commission approval under the requirements of Chapter 212 of the Texas Local Government Code.
- B. A current title report, statement, certificate or letter from a title company authorized to do business in the state or from an attorney licensed in the state, which indicates the name of the record owner of fee simple title for every property required to be given written notice of such application for resubdivision under the provisions of this chapter.
- C. A certified list of all owners of property, as such ownership appears on the last approved ad valorem tax rolls of either the city or county within which such property is located, which are

required to be given written notice of such application for resubdivision under the provisions of this title. Certification for the purposes of this subsection shall be made by a title company authorized to do business in the state, or an attorney licensed in the state.

D. One self-stamped envelope addressed to each landowner indicated on either the title report or the tax roll list as required in this section. Each envelope shall contain a copy of the required notice with the necessary information applicable to the application for resubdivision.

E. Affidavit in separate writing, signed by all the owners of property within the application for resubdivision, which attests that the application for resubdivision "does not attempt to alter, amend or remove any covenants or restrictions." (Ord. 13111 § 1 (part), 1997)

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Chapter 19.44 VACATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY

19.44.070 Resubmission of a vacation application.

- A. A nonrefundable processing fee as approved by city council;
- B. The written concurrence of all persons who own property abutting the public easement or right-of-way proposed to be vacated;
- C. Copies of recorded deeds showing current ownership of all properties abutting the public easement or right-of-way proposed to be vacated;
- D. Eighteen copies of a survey of the area requested for vacation, showing all abutting property boundaries, improvements, dimensions and other easements or rights-of-way contained on the property. Such survey shall be prepared by a surveyor;
- E. A metes and bounds description of the property to be vacated and calculations showing the area in square feet; and
- F. One copy of the subdivision plat or instrument by which the public easement or right-of-way was dedicated, showing the recording information. (Ord. 13907 § 49, 1998; Ord. 13111 § 1 (part), 1997)

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acceptance of an application for vacation of a public easement or right-of-way for review of application completeness shall not be counted as the first day of the five working day review period. If an application accepted for review of application completeness is not returned to the property owner within the five working day review period, the application shall be deemed accepted. (Ord. 13111 § 1 (part), 1997)

19.44.030 Procedure and notice.

A. Procedure. Upon acceptance of an application for vacation of a public easement or right-of-way, the subdivision coordinator shall distribute the application for public easement or right-of-way vacation to the development review committee. Written comments and recommendations for approval, approval with modifications or disapproval to the subdivision coordinator within two weeks from the date of distribution. The recommendation of the staff accompanied with an explanation of their recommendation, shall be presented to the city plan commission. Upon a favorable recommendation from the city plan commission on the application to vacate a public easement or right-of-way, the subdivision coordinator shall forward the information to the city attorney for preparation of the vacation ordinance. The subdivision coordinator shall forward the request to the city council for finalization.

B. Public Hearing Notice.

1. Public Easement Vacations. Notice of the city plan commission and the city council hearings shall not be required to property owners when the application is for vacation of a public easement.

2. Public Right-of-Way Vacations.

a. City Plan Commission Hearing. Letters giving notice of the city plan commission public hearing shall be mailed by the subdivision coordinator to all property owners:

- i. Abutting the public right-of-way proposed to be vacated;
 - ii. Within the block contiguous to the public right-of-way proposed to be vacated; and
 - iii. Within a two hundred foot radius of the public right-of-way proposed to be vacated.
- Notice shall be given at least ten days prior to the public hearing. Property ownership information shall be taken from the last approved ad valorem tax roll of the city available. In addition, the subdivision coordinator shall place a legal notice in the official newspaper regarding information of the public hearing before the city plan commission on the public right-of-way proposed to be vacated. Notice shall appear in the newspaper ten days prior to the public hearing date.

b. City Council Hearing. The subdivision coordinator shall mail letters giving notice of the city council public hearing to all property owners:

- i. Abutting the public right-of-way proposed to be vacated;
 - ii. Within the block contiguous to the public right-of-way proposed to be vacated; and
 - iii. Within a two hundred foot radius of the public right-of-way proposed to be vacated.
- Notice shall be given at least ten days prior to the public hearing. Property ownership information shall be taken from the last approved ad valorem tax roll of the city available. In addition, the subdivision coordinator shall place a legal notice in the official newspaper regarding information of the public hearing before the city council on the area to be vacated. Notice shall appear in the newspaper ten days prior to the public hearing date. (Ord. 16802 § 2 (part), 2007; Ord. 13111 § 1 (part), 1997)

19.44.040 Appeal of city plan commission denial.

Where the city plan commission denies an application for vacation of a public easement or right-of-way, no vacation ordinance shall be prepared and submitted to the city council for finalization. The applicant may, in writing, request an appeal to city council by placing an item on the agenda at a regularly scheduled city council meeting. The appeal must be made within fifteen days of the denial by the city plan commission in the office of the city clerk. The city council may deny the appeal for vacation of the public easement or right-of-way or may direct the preparation of the vacation ordinance. (Ord. 13111 § 1 (part), 1997)

19.44.050 Appraisal required for vacation of public right-of-way.

A. General. Where required by state law, an appraisal shall be made for an application for vacation of a public right-of-way. The applicant shall pay for all appraisal fees incurred by the city. The appraisal shall be requested to determine the market value of the city's interest in the public right-of-way. The cost of the appraisal will be reimbursed to the city by the applicant whether or not the application is finally approved by the city council. The applicant shall submit a check payable to the city for all appraisal fees before the application is forwarded to the city council for finalization.

No appraisal shall be required for an application for vacation of a public easement. In all cases, the market value of the city interest in a public easement to be vacated shall be the equivalent value of twenty-five dollars.

B. Date of Valuation. The date for establishing the market value of the public easement or right-of-way proposed to be vacated shall be the date the application is accepted by the subdivision coordinator.

C. Case of Disputed Value. If the first appraisal obtained by the city is disputed by the applicant, the applicant shall obtain a second independent appraisal at the applicant's expense. The city must agree on the qualification of the second independent appraiser before the appraisal is requested by the applicant. If the city attorney determines that there is a substantial difference between the two appraisals, the city will contact a third independent appraiser to perform a review appraisal, the cost of which shall be paid by the applicant. The city council shall then make a final determination of market value which shall be binding on all parties. (Ord. 13907 § 50, 1998; Ord. 13111 § 1 (part), 1997)

19.44.060 Fees to be paid by applicant.

A. Application Fee. Before the city council authorizes the vacation of all or part of a public easement or right-of-way, the applicant shall pay a nonrefundable application fee as established by city council.

B. Vacation Fee for Public Right-of-Way. In addition to the application fee, the applicant shall pay the following:

1. The cost of the appraisal; and

2. The appraised market value of the city's interest in the public right-of-way.

C. Publication Costs. The city shall bear the costs for publishing notices related to the application to vacate a public easement or right-of-way when it is presented before the city council for finalization. (Ord. 13907 § 51, 1998; Ord. 13111 § 1 (part), 1997)

19.44.070 Resubmission of a vacation application.

No application for vacation of a public easement or right-of-way shall be resubmitted within a twelve-month period from the date of final action by the city plan commission or the city council, whichever action occurs last. (Ord. 13111 § 1 (part), 1997)

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Title 19 SUBDIVISIONS

**Chapter 19.48 DEDICATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY BY
METES AND BOUNDS**

19.48.010 Application required.

19.48.020 Review for application completeness.

19.48.030 Application procedure.

19.48.040 Appeal of city plan commission denial.

19.48.050 Resubmission of a metes and bounds dedication application.

APPENDIX A SUBDIVISION IMPROVEMENT DESIGN STANDARDS

APPENDIX 1A SAMPLE FORM FOR WATER SERVICE AGREEMENT

APPENDIX 1B SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

APPENDIX 2A SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM

EXHIBIT A METES AND BOUNDS DESCRIPTION OF PROPERTY EXHIBIT B
SUBDIVISION IMPROVEMENTS

APPENDIX 2B IRREVOCABLE LETTER OF CREDIT SAMPLE FORM

19.48.010 Application required.

Where a property owner requests that the city plan commission grant an exception to the subdivision regulations contained within this title as provided in Section 19.04.180, and that approval be given for the metes and bounds dedication of a public easement or right-of-way, the property owner shall file an application for a metes and bounds dedication with the subdivision coordinator. The metes and bounds dedication application shall include:

- A. Completed forms available at the office of the subdivision coordinator signed by the property owner;
- B. A metes and bounds description prepared by a surveyor of the property to be dedicated as a public easement or right-of-way, including calculations showing the area;
- C. A minimum of eighteen copies of a survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four-inch by thirty-six-inch sheets having a minimum one-half-inch border on all sides, except where the subdivision coordinator approves a modified scale or other acceptable format, showing all of the following:
 1. Legal description stating approximate acreage,
 2. Date of preparation, map scale (both graphic and numeric), north direction and basis of north direction,
 3. Length, bearings and curve data for the survey map boundaries,
 4. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions; including at least one row of adjacent lots and parcels,
 5. Width and location of proposed public easements or rights-of-way,
- D. A location map at a scale of one inch equals six hundred feet, except where the subdivision coordinator approves a modified scale, which provides identification of the proposed public easement or right-of-way in relation to features such as local streets, arterial streets, schools and

other features,

7. Identification of any release or other limitations of rights of access to and from the proposed public easement or right-of-way,

8. Survey data, including:

a. The survey map shall be tied by bearing and distance to either a section corner, survey line, grant line, or other known and accepted survey points. This tie shall be delineated on the plat,

b. Any section line, survey line, or grant line crossing or adjoining the property shall be clearly designated and located on the survey map,

c. The survey map shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines,

d. All recognized survey monuments and other evidence of the survey map boundary location found, set, reset or replaced, describing their type and location shall be identified,

e. All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification,

f. The centerlines of streets adjoining the property, indicating all permanent survey monuments found,

g. All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second,

h. A print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel,

i. The survey map shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the property is within three thousand feet of such horizontal control monument as determined by the deputy director for engineering,

j. A survey map tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the reference angle to a published azimuth marker, shall be shown on the map. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey,

9. Certification by the surveyor that the survey map represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards;

D. Certification from a title company qualified to do business in the state, showing the name(s) of the owner(s) of the property to be dedicated by metes and bounds;

E. A processing fee as established by city council;

F. A written detailed justification for the request for exception of the regulations contained under this title and dedication by metes and bounds; and

G. A current tax certificate from the city tax assessor-collector indicating that all ad valorem taxes have been paid on the property included within the survey map. (Ord. 13111 § 1 (part), 1997)

19.48.020 Review for application completeness.

The subdivision coordinator shall, upon receipt of a metes and bounds dedication application, determine whether or not the application meets all of the content requirements for submittal required in Section 19.48.010. An application not meeting all of the submission requirements of this title shall be returned to the property owner within five working days following the date of acceptance for review of application completeness, indicating the information which is lacking on the application. For purposes of this section, the date of acceptance of a metes and bounds dedication application for review of application completeness shall not be counted as the first day of the five working day review period. If an application accepted for review of application completeness is not returned to the property owner within the five working day review period, the metes and bounds dedication application shall be deemed accepted and the time period specified within Section 19.48.030 shall commence on the sixth working day following the date the metes and bounds dedication application was accepted for review of application completeness. (Ord. 13111 § 1 (part), 1997)

19.48.030 Application procedure.

A. General Provisions. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the subdivision coordinator shall distribute the application to the staff, which shall submit written comments within two weeks from the date of distribution and shall determine whether the application, subject to any written conditions and recommendations, complies generally with the intent of these regulations. The recommendation of the staff, accompanied with an explanation of their recommendation, shall be presented to the city plan commission. The property owner and surveyor shall be notified and given the comments at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

B. Distribution and Review. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the subdivision coordinator shall distribute the application to the staff. Written comments and recommendations on the application for metes and bounds dedication of a public easement or right-of-way shall be submitted by members of the staff to the subdivision coordinator within two weeks from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the subdivision coordinator, and may require that the affected member's late comments and recommendations be presented directly to the city plan commission.

The subdivision coordinator shall present the application for metes and bounds dedication of a public easement or right-of-way to the staff who shall determine whether the application, subject to any written comments and recommendations, complies generally with the intent of these regulations. The recommendation of the staff, accompanied with an explanation of their recommendation, shall be presented to the city plan commission.

The subdivision coordinator shall compile a report of the written comments received by the staff, which shall be submitted to the city plan commission. A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

C. City Plan Commission Action. The city plan commission shall review all reports and recommendations presented by the staff and shall either grant an exception to the subdivision regulations of this title and recommend approval or approval with modifications of the metes and bounds dedication application, or shall deny the exception and recommend disapproval of the metes and bounds dedication application. An exception granted by the city plan commission shall be based on a finding that the metes and bounds dedication provides as well for the safe, orderly and healthful development of the community as if dedicated by a subdivision.

When the city plan commission grants an exception and recommends approval or approval with modifications of the metes and bounds dedication application, the subdivision coordinator shall forward the information to the city attorney for preparation of the dedication instrument. This report shall be provided to the property owners making the application at least three working days prior to the commission hearing.

D. Notification of Action. Notice of the recommendation for approval, approval with modifications or disapproval of an application for metes and bounds dedication of a public easement or right-of-way by the city plan commission shall be reported in writing to the property owner and surveyor within five working days of the commission hearing.

E. Submission for Recording. Within six months following the date of a recommendation for approval or approval with modifications by the city plan commission of an application for metes and bounds dedication of a public easement or right-of-way, the property owner shall submit five copies of the approved survey map which incorporates and fully satisfies any modifications requested to the application by the city plan commission, one original copy of the deed conveying ownership of the property to the city, and the prescribed county recording fees (by check made payable to the "County of El Paso").

The subdivision coordinator shall place the proposed dedication instrument on the city council or county commissioners' court agenda for finalization. Upon approval of the dedication instrument by the city council or county commissioners' court, the subdivision coordinator shall present the executed instrument, exhibits and deed to the city clerk for recording.

The subdivision coordinator shall distribute copies of the executed instrument, exhibits and deed to the appropriate city, county and other official agencies.

Failure of the property owner to submit the requested information, or to comply with any conditions imposed by the city plan commission, within the six-month period shall necessitate the total resubmission of the application for the metes and bounds dedication of a public easement or right-of-way, which shall be subject to the regulations in effect at the time of resubmission.

F. Withdrawal of Application for Metes and Bounds Dedication. An application for the metes and

bounds dedication of a public easement or right-of-way may be withdrawn by a property owner prior to any final action by the city council or county commissioners' court. A request for withdrawal shall be made officially in writing to the subdivision coordinator. No refund of the processing fee shall be allowed where an application is withdrawn. (Ord. 16802 § 2 (part), 2007; Ord. 13111 § 1 (part), 1997)

19.48.040 Appeal of city plan commission denial.

In the event that the city plan commission denies the exception and recommends disapproval of the application for metes and bounds dedication of a public easement or right-of-way, no dedication instrument shall be prepared by the city attorney and submitted to the city council or county commissioners' court for finalization. The property owner may, in writing, request an appeal to the city council or county commissioners' court by placing an item on the agenda of a regularly scheduled city council or county commissioners' court meeting. The appeal must be made within fifteen days of the denial by the city plan commission in the office of the city clerk or county clerk. When an appeal is made, the property owner shall advise the subdivision coordinator of the date of the city council or county commissioners' court meeting and shall provide a copy of any documentation submitted with the appeal. The city council or county commissioners' court may deny the appeal for the metes and bounds dedication of a public easement or right-of-way or may approve the metes and bounds dedication application and direct the preparation of the dedication instrument for recording.

Where the city council or county commissioners' court approve a metes and bounds dedication application, the property owner shall be required to submit the necessary documents for recording as provided in Section 19.48.030. Failure of the property owner to submit the necessary documents for recording within six months following the date of the city council or county commissioners' court approval on appeal shall require the total resubmission of the metes and bounds dedication application which shall be subject to the then existing regulations. (Ord. 13111 § 1 (part), 1997)

19.48.050 Resubmission of a metes and bounds dedication application.

No application for a metes and bounds dedication of a public easement or right-of-way shall be resubmitted within a twelve-month period from the date of final action by the city plan commission or the city council or county commissioners' court, whichever action occurs last. (Ord. 13111 § 1 (part), 1997)

APPENDIX A SUBDIVISION IMPROVEMENT DESIGN STANDARDS

Section 8

Street Lighting

The City Engineer shall maintain Street Lighting Design Standards which shall be available upon request. All proposed street lighting shall comply with such standards.

(Ord. 16042 § 2, 2005)

Figure: 31 TAC 364.32(a)(1)

APPENDIX 1A SAMPLE FORM FOR WATER SERVICE AGREEMENT

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED _____
SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which supplies of drinking water known as _____.

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in _____
County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known
as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to _____ County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

The Subdivider covenants that the water distribution system will be constructed as shown in the Plans and as provided for through the plat-approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The Subdivider has paid the Utility the sum of \$ _____ which sum represents the total costs of water meters, water rights acquisition fees, and all membership or other fees associated with connecting the individual lots in the Subdivision to the Utility's water supply system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by _____ County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20_____.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

(Ord. 14696 § 4 (part), 2000)

Figure: 31 TAC 364.33(a)(2)

APPENDIX 1B SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTEWATER SERVICE FOR THE
PROPOSED _____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which provides wastewater

treatment and is known as _____.

The Subdivider is _____, who is the owner, or the authorized agent of the owner, of a tract of land in _____ County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to _____ County for its approval. The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the wastewater flow projected from the Subdivision under fully built-out conditions (the projected wastewater flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the capacity to treat the projected wastewater flow, and that it will treat that wastewater flow for at least thirty years. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's wastewater collection system has been connected to the Utility's wastewater treatment plant.

The Subdivider covenants that the wastewater collection system will be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the wastewater collection system.

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system:

The Subdivider has paid the Utility the sum of \$ _____ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by _____ County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20_____.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

(Ord. 14696 § 4 (part), 2000)

Figure: 31 TAG 364.54(a)

APPENDIX 2A SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM

1. Parties. This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is _____ County, Texas, acting by and

through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is _____, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.

2. **Effective Date.** This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

Recitals

3. Subdivider is the owner of the land included in the proposed final subdivision plat of the subdivision, as shown in County's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and

4. Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statute and the County's ordinances, regulations, and other requirements; and

5. County ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and

6. The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and

7. This agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider's Obligations

8. **Improvements.** The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the County's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to commencement of construction, and subject to inspection, certification, and acceptance by the County.

9. **Completion.** Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than three (3) years after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the County no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

10. **Warranty.** The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of one (1) year from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdividers' agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the County shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the County.

11. **Security.** To secure the performance of Subdivider's obligations under this Agreement,

Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the County, a cash deposit to be held by the County in escrow, or an irrevocable letter of credit in the amount of _____ Dollars (\$_____) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the County, shall have an expiration date no earlier than one year from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the County's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the County may revise the standard form letter of credit it reasonably considers acceptable and necessary to secure the performance of Subdivider's obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute-or confirming letter of credit) is referenced to in this agreement as the "Letter of Credit."

12. Reduction In Letter of Credit. After the acceptance of any Improvement, the amount which the County is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the County shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the County shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced, to the Estimated Remaining Cost if the County determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

County's Obligations

13. Inspection and Certificate. The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

14. Notice of Defect. The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

15. Use of Proceeds. The County will disburse funds drawn under the Letter of Credit only for the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit or any accrued interest earned on the funds. All funds obtained by the County pursuant to one or more draws under the Letter of Credit shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the County. The County may disperse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of Improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Issuer of the Letter of Credit no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

17. **Cost Participation by County.** If the County and Subdivider agree the County will participate in the expense of installing any of the improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

(a) Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;

(c) Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the County, in accordance with Paragraph 11 of this Agreement; or

The County shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the County shall provide notice to the Subdivider and the Issuer of the specific default and the notice shall include a statement that the County intends to perform some or all of Subdivider's obligations under Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the County shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the County a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft based on an event described in subparagraph (d), the Issuer may deliver to the County a substitute or confirming Letter of Credit.

20. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be

prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.

21. Remedies. The remedies available to the County, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.

22. Provisions for the Benefit of Issuer. The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the Issuer.

23. Third Party Rights. No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the County in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.

24. Indemnification. The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.

25. No Waiver. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

26. Attorney's Fees. Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

27. Assignability. The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The County agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The County, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

28. Expiration. This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.

29. Notice. Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:

Attn: _____

Printed Name: _____

Office or Position: _____

Address: _____

if to County:

Attn: _____

Printed Name: _____

Office or Position: _____

Address: _____

if to the Issuer:

at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

30. Severability. If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.

31. Personal Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for _____ County, Texas, or the United States District Court for the _____ District of Texas, _____ Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a Letter of Credit pursuant to the terms of this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

32. Release Upon Completion. Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.

33. Captions Immaterial. The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.

34. Entire Agreement. This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

35. Authorization to Complete Blanks. By signing and delivering this agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

36. Binding Agreement. The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the ____ day of _____, 20____.

County Official

Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

EXHIBIT A METES AND BOUNDS DESCRIPTION OF PROPERTY EXHIBIT B SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
a)	
b)	
c)	

(Ord. 14696 § 4 (part), 2000)

Figure: 31 TAC 364.54(c)(3)

APPENDIX 2B IRREVOCABLE LETTER OF CREDIT SAMPLE FORM

IRREVOCABLE LETTER OF CREDIT NO.

TO: _____, Texas
DATE: _____, 20

We hereby authorize you to draw at sight on [NAME AND LOCATION OF BANK], for the account of [NAME OF CUSTOMER] (the Customer), up to the aggregate amount of _____ DOLLARS (\$_____) (the Stated Amount) available by our draft, accompanied by a certification by the county judge, any county commissioner, or the county treasurer that the following condition exists:

"A Condition of Draw exists under Subdivision Construction Agreement dated _____, 20____, by and between Subdivider and the County of _____ (the Agreement). County is in substantial compliance with the terms of said Agreement and has calculated the amount of this draft in accordance with the terms of the Agreement."

Drafts must be drawn and presented by or on [EXPIRATION DATE] by the close of business of the Issuer of this credit and must specify the date and number of this credit. Drafts will be honored within five calendar days of presentment. We hereby engage all drawers that drafts drawn and presented in accordance with this credit shall be duly honored. Partial draws are permitted and the letter of credit shall be reduced by the amount of such partial draws as well as by any reduction letters authorized by the County. The sum of such partial draws shall on no account exceed the Stated Amount of this credit, and upon any draw or reduction letter which exhausts this credit, the original of this credit will be surrendered to us.

Except as expressly stated, this credit shall be subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce (Publication No. 400).

This credit is irrevocable prior to its expiration date unless both parties consent to revocation in writing.

Address of Issuer:

Signature of Issuer's Authorized Officer

Printed Name:

Title:

(Ord. 14696 § 4 (part), 2000)

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